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1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

JUL 9 2010 ✓

2 IN AND FOR THE COUNTY OF YAVAPAI

JEANNE HICKS, Clerk  
CY *berlain*  
Deputy

3  
4 THE STATE OF ARIZONA, )

5 Plaintiff, )

6 vs. )

No. CR 2008-1339

7 STEVEN CARROLL DEMOCKER, )

8 Defendant. )

9  
10  
11 BEFORE: THE HONORABLE THOMAS B. LINDBERG  
12 JUDGE OF THE SUPERIOR COURT  
13 DIVISION SIX  
YAVAPAI COUNTY, ARIZONA

14 PRESCOTT, ARIZONA  
15 THURSDAY, JUNE 10, 2010  
16 8:56 A.M. - 11:56 A.M.

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18 JURY TRIAL

19  
20  
21  
22  
23  
24 ROXANNE E. TARN, CR  
25 Certified Court Reporter  
Certificate No. 50808

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**SCOTT JOY**

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**APPEARANCES**

On Behalf of the State:

Mr. Joseph Butner and Mr. Jeffrey Paupore  
Yavapai County Attorney's Office

On Behalf of the Defendant:

Mr. John Sears  
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Prescott, AZ 86302

Mr. Larry Hammond and Ms. Anne Chapman  
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Phoenix, AZ 85012

1                   (Whereupon, the following was held in  
2                   open court out of the presence of the jury.)

3                   THE COURT: Record reflects the jury is not in  
4                   the room. The defendant and his lead attorney, Mr. Sears,  
5                   are in the room. Mr. Paupore and Mr. Butner are here, as  
6                   well.

7                   I wanted to let you know I got some  
8                   questions from the jury, and I let you look at some of  
9                   them -- most of them yesterday, last night. I got two more  
10                  this morning. One is something other than factual for this  
11                  witness. It is from Mr. Lopez that says, "I, Jose Dario  
12                  Lopez, ask for permission to have half day court on June  
13                  23rd, which is two weeks from yesterday, for the purpose of  
14                  taking my two older sons to the airport to travel to Chicago,  
15                  Illinois. I tried to book another date or later on that  
16                  date, but did not have two seats. My boys are 11 and 7 years  
17                  old. Never traveled alone before, and because of the trial  
18                  they will this time. It is not that I am complaining, but it  
19                  would be great if we can switch Monday for Wednesday on that  
20                  week. Consider my petition. Thanks. Jose D. Lopez."

21                  For what it is worth, for you to think  
22                  about anyway. I don't know that I need a response at this  
23                  point.

24                  MR. SEARS: Judge, we would like an  
25                  opportunity to talk among the defense side about Mr. Lopez.

1 We have been thinking about the degree to which Mr. Lopez has  
2 been advising the Court of the problems that his jury service  
3 is causing. And this is another one. I am going to need an  
4 opportunity to talk to the rest of the team.

5 I did have a thought, though, overnight  
6 about the record, or lack of record we are making on juror  
7 notes. My appellate friends would be pulling their hair out  
8 over the unrecorded bench conferences, particularly the ones  
9 about the notes. I don't know a better way to do that  
10 without delaying the trial. I am a little bit accustomed to  
11 doing all of the discussion about juror questions during  
12 deliberations on the record for sure, and I just don't know  
13 what your thoughts are about doing that, doing some version  
14 of that. I just have the sense we are not making a complete  
15 record about juror questions, and when we come out --

16 THE COURT: Well, the record that you are  
17 making is, and this is why I don't have -- even in most  
18 trials, including this one -- I don't have the court reporter  
19 come out every time we have jury questions or side bars,  
20 because I have found that most of the time the lawyers are in  
21 agreement that a question is improper or a question is  
22 proper. And it is only when you wish to make a record, when  
23 there is some disagreement about that, that we have Roxanne  
24 come over.

25 MR. SEARS: I think we have been doing that.

1 I am not completely comfortable that that is an adequate  
2 record in a case this important on all questions.

3 THE COURT: If you are not objecting, then  
4 there is no record that needs to be made. If you are  
5 objecting, then I will bring her over.

6 MR. SEARS: Maybe that is a way to do that.

7 THE COURT: We will do that. In general, even  
8 so far in this trial, my experience has been the Court and  
9 the lawyers seem to agree 90-percent or better of the time on  
10 whether a question is proper or not proper. And I will let  
11 you make your record at opportune moments, if there is some  
12 disagreement about that. Sometimes there is, and I  
13 understand that.

14 MR. BUTNER: Not very much.

15 THE COURT: Not very much.

16 MR. PAUPORE: Excuse me, Your Honor. Can we  
17 go back to Mr. Lopez for a moment?

18 THE COURT: Sure.

19 MR. PAUPORE: I don't know if the Court heard  
20 yesterday when the discussion was -- the question was how far  
21 the light switch was off the floor in the hallway. I heard a  
22 voice from the jury, "four feet." Rhonda, our paralegal said  
23 Mr. Lopez said that. I heard --

24 MR. BUTNER: I did, too.

25 MR. PAUPORE: I didn't know it was him. I

1 heard someone blurt out it was four feet. It came right from  
2 where he was, but I did not see him say it.

3 MR. BUTNER: I was not looking in that  
4 direction, too.

5 MR. PAUPORE: I want to add that to the mix of  
6 Mr. Lopez, I guess, for Mr. Sears' benefit.

7 THE COURT: I didn't hear it, and it didn't  
8 get on the record as far as I know.

9 I did get one other factual related  
10 question. I think you all took a look at the factually  
11 related questions for this witness, and you are welcome to  
12 look at the most recent one I received. It is short of *War*  
13 *and Peace*, but not by very much.

14 (Whereupon, a discussion was held off the record.)

15 (Whereupon, the jury enters the courtroom.)

16 THE COURT: Record reflects the presence of  
17 the jury, the defendant, the defense counsel and prosecution  
18 team.

19 Sergeant Acton is still on the stand and  
20 undergoing direct examination.

21 Good morning. Obviously, you are still  
22 under oath.

23 THE WITNESS: Yes, sir.

24 THE COURT: Thank you.

25 Mr. Butner.

1 MR. BUTNER: Judge, I think that Mr. Sears and  
2 I have reached a stipulation concerning a number of  
3 photographs of the scene at 7485 Bridle Path. The State is  
4 offering Exhibits No. 2320 through 2336, and the defense is  
5 offering exhibits numbered --

6 MR. SEARS: 2315 through 2319.

7 MR. BUTNER: And we stipulate and agree that  
8 these may be admitted into evidence at this time.

9 THE COURT: Agreed?

10 MR. SEARS: That's correct, Your Honor.

11 THE COURT: Ladies and gentlemen of the jury,  
12 Exhibits 2315, inclusive, through 2336 are admitted.

13 MR. BUTNER: And we also stipulate and agree,  
14 Judge, that Exhibits 2337 and 2338 may be admitted into  
15 evidence at this time.

16 MR. SEARS: Both of them are portions of a  
17 larger exhibit, 2315.

18 THE COURT: I will order then admitting 2337  
19 and 2338. So all exhibits from 2315 up through 2338 are  
20 admitted.

21 MR. BUTNER: Thank you, Judge.

22 CANDICE ACTON,  
23 called previously as a witness, having been duly sworn,  
24 testified further as follows:  
25



## 1 DIRECT EXAMINATION RESUMED

2 BY MR. BUTNER:

3 Q. Okay. Sergeant Acton, you indicated that you were  
4 just getting ready to start looking at the Granite Oaks  
5 subdivision as part of your investigation; is that correct?

6 A. That's correct.

7 Q. Before we go to Granite Oaks, I would like to go  
8 through some more photographs of the crime scene at Bridle  
9 Path, so we can get a clearer picture of how you entered and  
10 so forth.

11 A. Okay.

12 Q. Let me show you what was marked as Exhibit 2320.

13 Do you recognize what is depicted in that  
14 exhibit?

15 A. Yes, I do.

16 Q. What is it, please?

17 A. That's the south side glass door.

18 Q. Are those the doors through which you entered that  
19 night when you began your sweep of the residence?

20 A. Yes, it was.

21 Q. And are those the doors in which the dogs were  
22 located?

23 A. Yes, it was.

24 Q. Could you see the dogs through the doors?

25 A. Yes, I could, down in this area.

1           Q.     And then let me show you what is marked as Exhibit  
2 No. 2322.

3                           Do you recognize what is depicted in that  
4 exhibit?

5           A.     Yes, I do.

6           Q.     Okay. And what is it?

7           A.     That is the south door that is open here. This is  
8 where we made entry, coming into the dining room area. The  
9 kitchen would be over in this area here.

10          Q.     So those are those double glass doors on the left  
11 in this photograph?

12          A.     Yes, sir.

13          Q.     And they are in an opened state at that point;  
14 right?

15          A.     Yes.

16          Q.     Let me show you what has been marked as Exhibit  
17 2323.

18                           What is depicted in that exhibit?

19          A.     That's the island in the kitchen. Right here is  
20 the center island. Over here is the dining room. And the  
21 hallway -- if you curve around here, this leads to the  
22 hallway here. There is a little closet over here.

23          Q.     Is that a closet that you checked when you entered  
24 the residence?

25          A.     Yes, it is.

1 Q. What is that lighted area adjacent to the closet?

2 A. Another door.

3 Q. Is that the door that goes out the north side of  
4 the residence toward the garage?

5 A. Yes.

6 Q. And then the hallway down which you proceeded is  
7 located where?

8 A. Right in that area here.

9 Q. Going off to the right in this photo?

10 A. Yes.

11 Q. Let me show you what is admitted into evidence as  
12 exhibit -- well, show you what has been marked as Exhibit  
13 2321.

14 What is depicted in this photograph,  
15 please?

16 A. The kitchen area, again with the island here.  
17 Also dining room over here. And heading around this way  
18 would be going down towards the hallway.

19 Q. Okay. Let me show you what is admitted into  
20 evidence as Exhibit 2324.

21 Do you recognize what is depicted in that  
22 exhibit?

23 A. A light switch.

24 Q. Do you recognize that particular light switch?

25 A. Yes, I do.

1 Q. Where is that light switch located?

2 A. It is in the hallway. It was opposite where the  
3 victim was lying.

4 Q. That doorway to the left there, is that the  
5 doorway to the master bedroom?

6 A. This area right here you are talking about?

7 Q. Correct.

8 A. Yes. That is going to the master bedroom.

9 Q. And this light switch is located directly across  
10 the hall from the entrance to the office where Carol  
11 Kennedy's body was found?

12 A. Yes.

13 Q. What's significant about this particular light  
14 switch?

15 A. If you look up in this -- if you look at that area  
16 right there, there is a piece of blood spatter right there.

17 Q. Was that blood in a smeared condition when you  
18 observed it?

19 A. No, it was not.

20 Q. Did anybody touch that particular piece of blood  
21 spatter?

22 A. No one touched it while I was there.

23 Q. And it was photographed as you discovered it?

24 A. Yes.

25 Q. This picture accurately depicts it?

1           A.     Yes, it does.

2                   MR. BUTNER: Phil walked out, Judge, and I  
3 need to put this thing back up. Maybe I should peak out  
4 there and ask him to come in.

5                   THE COURT: You can do that.

6 BY MR. BUTNER:

7           Q.     Okay. Let me show you what's been marked as  
8 Exhibit 2325.

9                   Do you recognize what is depicted in that  
10 particular photograph?

11          A.     Yes, I do.

12          Q.     What is it?

13          A.     This is the desk right here, blood coming down  
14 here, and the victim is here.

15          Q.     And these protruding objects here from the desk,  
16 what are those? Do you know?

17          A.     That was used to hold up this piece of like a  
18 silver colored molding that was attached there.

19          Q.     Is that molding laying in close proximity to the  
20 victim's body?

21          A.     Yes, it is.

22                   THE COURT: Mr. Butner, be cautious about the  
23 jurors behind you, please.

24                   MR. BUTNER: Sorry. Thanks, Judge.

25          Q.     Let me show you what has been marked as Exhibit

1 2326.

2 Do you recognize what is depicted in that  
3 exhibit?

4 A. Some sort of athletic shoe.

5 Q. Do you remember seeing that athletic shoe?

6 A. Yes, I do.

7 Q. Where did you see it?

8 A. On the victim here.

9 Q. That was on Carol Kennedy's foot; is that correct?

10 A. That's correct, sir.

11 Q. Let me show you what has been admitted as Exhibit  
12 No. 2327.

13 Do you recognize what is depicted in that  
14 exhibit?

15 A. Yes, I do.

16 Q. What is it?

17 A. This is the entrance here coming down the hallway,  
18 the ladder laying on top of the door here, the desk here, a  
19 victim here. This is the checkbook over here. There is a  
20 cell phone right here.

21 Q. What is the object right here in the forefront?

22 A. It appears to be part of that bookshelf that was  
23 toppled over.

24 Q. Is this the way that that room looked when you  
25 entered on July the 2nd of the year 2008?

1 A. Yes, except for this door was shut.

2 Q. Let me show you what is marked and admitted in  
3 evidence as Exhibit 2329.

4 Tell us what is depicted in that exhibit.

5 A. Right here is the hallway again. Here is those  
6 plastic Tupperware containers here that are sitting at the  
7 end of the hallway. The ladder again here. This is the desk  
8 area right here, and the door that is open right here.

9 Q. At some point in time was the light turned on in  
10 the office area when you were there?

11 A. Not that I recall.

12 Q. Were you able to see blood spatter located on the  
13 top surface of the desk?

14 A. Right in this area here at the corner.

15 Q. Did you see it anyplace else on the desk?

16 A. No, not that I recall.

17 Q. It was dark in there when you were in there?

18 A. It was dark. I was using my flashlight, and it  
19 wasn't until later on when I could light up the hallway that  
20 I actually got to see a little more, so that was it.

21 Q. Let me show you what is admitted into evidence as  
22 Exhibit 2328.

23 What is depicted in this particular  
24 photograph?

25 A. Here's the hallway. Here's the plastic storage

1 containers. The ladder up against the door. This is the  
2 closet area here. There is a bookshelf right here that is  
3 knocked over, and this is the desk area here, the computer  
4 desk.

5 Q. I see some little white spots or patches of some  
6 sort on the victim's body. Do you know how those got there?

7 A. Yes. They were placed there by EMS.

8 Q. When they responded and checked her vital signs?

9 A. Yes. I called them to the scene and escorted them  
10 in and observed them put them on her.

11 Q. Let me show you what has been admitted as Exhibit  
12 2330.

13 Tell us what is depicted in that  
14 particular exhibit, please.

15 A. The view from the hallway here, standing in the  
16 door. Here's again the computer desk here. There is a  
17 checkbook right here. The ladder again on top of the door.  
18 This bookshelf that has been knocked over. Another one, a  
19 bookshelf that was also knocked over a little bit.

20 Q. Did you see any blood spatter on the bookshelf?

21 A. No, I did not.

22 Q. Let me show you what has been admitted into  
23 evidence as Exhibit 2331.

24 What is depicted in that particular  
25 photograph?



1           A.     This is the bookshelf, again, that is knocked over  
2 here. Computer desk here. Door going out this way. And the  
3 hallway door would be over in this area. There is the cell  
4 phone and the checkbook here.

5           Q.     Were you in this office, crime scene area, during  
6 the daylight hours at all?

7           A.     Never.

8           Q.     So the entire time that you were there, the only  
9 illumination that you had was your flashlight?

10          A.     A flashlight.

11          Q.     Or somebody else's flashlight?

12          A.     Until at one point when I turned on the hallway  
13 light later on, so I could see a little bit better in that  
14 area.

15          Q.     Let me show you what is admitted into evidence as  
16 Exhibit 2333.

17                         And what is depicted in that particular  
18 exhibit?

19          A.     This is the bookshelf here, the first one that is  
20 knocked over into this one. The second bookshelf, which is  
21 knocked back into the wall.

22          Q.     Let me show you what has been admitted into  
23 evidence as Exhibit 2332.

24                         What is depicted in this particular  
25 photograph?

1           A.     If you come in, the hallway is over here. The  
2 door where I entered is on this side, and you are looking up  
3 into the loft area here.

4           Q.     Is that the area that you cleared or Sergeant Joy  
5 cleared before you proceeded with the examination of the body  
6 of the victim, Carol Kennedy?

7           A.     Yes. Scott Joy and I went in there and cleared  
8 that as best we could.

9           Q.     These two little black things here, what are  
10 those?

11          A.     These items here are where the rungs for the  
12 ladder was on the door.

13          Q.     So the ladder hooked onto those in some fashion?

14          A.     Correct. The ladder hooked onto that.

15          Q.     And this particular area right back here that I am  
16 pointing to, what is that?

17          A.     It looks like a window.

18          Q.     Do you remember that window back there?

19          A.     No, I don't.

20          Q.     Let me show you what has been admitted into  
21 evidence as Exhibit 2334.

22                         What is depicted in that particular  
23 photograph?

24          A.     This item right here was the checkbook.

25          Q.     Is that where it was located when you discovered

1 the body in that room?

2 A. Yes.

3 Q. Thank you. You can resume --

4 MR. SEARS: Could I have the last number,  
5 Counsel?

6 MR. BUTNER: 2334.

7 MR. SEARS: Thank you.

8 BY MR. BUTNER:

9 Q. Okay. Let's talk about when you were going to  
10 start looking in the Granite Oaks subdivision.

11 Before we get to that, you were calling  
12 that telephone that was laying in the office a cell phone.  
13 Was it a cell phone, or was it one of those kinds of phones  
14 that you can walk away from, and it is a cordless phone.

15 A. I need to correct myself. It is a cordless phone,  
16 yes.

17 Q. Okay. You indicated that after Deputy Taintor and  
18 then you both went over and spoke with Mr. Drake, that then  
19 you decided that you would take the investigation over, as  
20 you put it, to the Granite Oaks subdivision; is that correct?

21 A. Yes. That's correct.

22 Q. Okay. And would you explain to us where the  
23 Granite Oaks subdivision is located relative to the Bridle  
24 Path address?

25 A. It would be just the next development north of

1 there.

2 Q. Got that laser pointer? Would you show us on this  
3 map basically where the Granite Oaks subdivision is located.

4 A. Right here is Glenshandra coming off of Williamson  
5 Valley Road here. This is the first road that runs into  
6 Granite Oaks subdivision, Royal Oaks subdivision. This is  
7 the first road that is on the south side. All of this is  
8 Granite Oaks subdivision. All of the roads up here leading  
9 north are all part of this Granite Oaks subdivision here.  
10 Glenshandra is the southern road of that subdivision.

11 Q. When you took the investigation to the Granite  
12 Oaks subdivision, then where did you go?

13 A. Initially came in here. Went down probably about  
14 almost towards the end, slowly moving through here. Stopped  
15 the vehicles on the pavement. It was myself and Deputy  
16 Taintor. And we were just looking around the area here. It  
17 was dark that night. We are just driving around.

18 Q. Would you show us the route that you took to get  
19 to the Granite Oaks subdivision?

20 A. Okay.

21 Q. To the best that you can with that map.

22 A. Here's the residence here. Going down Bridle Path  
23 here. Eventually turned up and went on Single Tree, right  
24 here. And that leads back over to Williamson Valley heading  
25 northbound, and then turning east on Glenshandra driving down

1 here.

2 Q. And are there other ways to get into the Bridle  
3 Path residence besides Bridle Path itself off of Williamson  
4 Valley and then Single Tree that you described?

5 A. Yes, there is. There is another way here. If  
6 this is Bridle Path here, it dead ends, and it does a 90  
7 degree turn. This is Jockey Path, I am pretty sure. You  
8 follow this back around over here, and you have got to make a  
9 bunch of lefts and rights. And eventually you end up on this  
10 little dirt road. It is called Shane. And it comes back out  
11 on Williamson Valley back in here, and you can take it back  
12 north.

13 Q. Are there any other ways that you can get in  
14 there?

15 A. Not with a vehicle, that I am aware of.

16 Q. So anyway, you proceeded down to Single Tree and  
17 cut over to Williamson Valley and then back up to Glenshandra  
18 Drive?

19 A. Yes, I did.

20 Q. Can you drive a more direct route from Bridle Path  
21 to Glenshandra Drive than the one that you took?

22 A. It is either Glenshandra or going down and coming  
23 off of Shane Road, either one of those.

24 Q. And yet approximately how far from the Bridle Path  
25 residence is that trailhead at the end of Glenshandra?

1           A.     Residence is here. Trailhead is here.

2           Q.     So straight up the fence line?

3           A.     Going straight north.

4           Q.     Do you know what that distance is between Bridle  
5 Path and that trailhead?

6           A.     No, I do not.

7           Q.     Anyway, that is where you went that night; is that  
8 correct?

9           A.     Yes, I did.

10          Q.     You drove down Glenshandra Drive, and what were  
11 you looking for going down Glenshandra?

12          A.     I'm looking for anything that stands out. I'm  
13 looking for vehicles. I'm looking for people. Anything  
14 suspicious that might catch my eye. It is in the middle of  
15 the night. Things are relatively quiet in this neighborhood.  
16 I get out of my vehicle. I start walking around. I'm  
17 listening, looking, shining my flashlight to see if anything  
18 stands out. It is pretty quiet there at that time of night.

19          Q.     Did you see anything that struck you as standing  
20 out or out of the ordinary while you were doing this?

21          A.     No, nothing really stood out.

22          Q.     Ultimately, did you end up at the end of  
23 Glenshandra Drive?

24          A.     Yes. I worked my way down, walking around, walked  
25 down here and I came to the very end here. There is a fence

1 line running north and south here and a gate.

2 Q. Okay. Sometimes you do get lucky. Please resume  
3 the stand.

4 Let me show you what is admitted into  
5 evidence as Exhibit 2229.

6 Do you recognize what is depicted in that  
7 particular exhibit?

8 A. Yes, I do. This is the end of Glenshandra Drive.

9 Q. That is crime scene tape; right?

10 A. All the yellow is crime scene tape, and I recall  
11 putting that up, yes.

12 Q. Is that right? You are one of the people that put  
13 that up?

14 A. Yes, I did.

15 Q. When you got to this location at the end of  
16 Glenshandra Drive, would you describe the area for us,  
17 please.

18 A. Okay. So up here at the end of Glenshandra, down  
19 here -- I don't know if you can see -- but you are looking  
20 directly straight in front of you. The pavement ends back in  
21 this area. This is all dirt, gravel area. It is maybe, I  
22 want to say, 25, 30 feet this way, maybe 30, 40 feet this  
23 way. This is a residential area. There is houses on this  
24 side, houses on this side. Along this way, there is a  
25 four-strand barbed wire fence, a metal post, T-post going

1 here. A couple of reflective signs in the middle. This is a  
2 gate area here. Gate is maybe three or four feet wide. It  
3 had a padlock on it. It was locked. This fence line  
4 continues up this way, barbed wire fence going that way.

5 Q. Those reflective stanchions that are in the  
6 forefront on the photograph, approximately how high are  
7 those?

8 A. I'm not sure. I want to say like four feet high  
9 or so.

10 Q. Not as high as a human being?

11 A. No. And this picture makes everything look really  
12 gigantic, and it is really not that big of an area. This is  
13 a residential street, which is usually 22 feet or so wide.  
14 Like I said, this area is only maybe 30 feet by 30, 40 feet  
15 this way.

16 Q. And when you got to the Glenshandra area, was  
17 there anybody with you, the trailhead area there?

18 A. Deputy Taintor went over there with me.

19 Q. What time of the day or night was it,  
20 approximately?

21 A. I don't know exactly what time it is, but it is  
22 probably around eleven o'clock or so, maybe a little later.

23 Q. And obviously it was dark then?

24 A. Yes, sir.

25 Q. What did you have to illuminate the area?



1           A.     I had my flashlight, and I have a second one that  
2 I carry in my car, and I carry a third one on me. About this  
3 time, my second flashlight was starting to go out.

4           Q.     So you were going on your third flashlight?

5           A.     This won't last very long.

6           Q.     Did you notice anything of significance out there  
7 at the trailhead at Glenshandra?

8           A.     On my first visit over there, I just noticed there  
9 was tire prints, and then back over here there was some old  
10 dried mud from -- I don't know how long ago it was -- but  
11 there was tire tracks in it. There was hoof prints over  
12 here, but this was from a while ago. It was all dried up.  
13 As I approached the gate down in here, it was real loose,  
14 like light dirt. The kind if you walk into it, it poofs up  
15 in your feet. I noticed a couple of footprints on this side  
16 over here.

17          Q.     When you say "this side," which side?

18          A.     It would be the east side of the gate, the other  
19 side of the gate. Also a bicycle track here. I noticed  
20 other vehicle prints, and you could see them down here in  
21 this area. That is pretty much it.

22          Q.     Did you notice any horse hoof prints in proximity  
23 to the gate?

24          A.     The horse hoof prints were back in the area over  
25 here.

1 Q. Did you see any up by the trailhead gate?

2 A. Not that I recall, no, sir.

3 Q. But you did see tire tracks up by the gate?

4 A. I saw a bicycle tire track here.

5 Q. Right.

6 A. You could see little tire tracks back in this  
7 area. You can see them down in here. Back here. It is  
8 difficult to get a vehicle back in this area. It is really  
9 narrow. So larger vehicles couldn't go in there. So the  
10 most normal route, if you were going to turn around or pull  
11 in, would be this area here. That is where I saw the high  
12 majority of tire tracks like this there.

13 Q. And the footprints that you observed, where were  
14 those located?

15 A. They were on the east side, the other side of this  
16 gate here.

17 Q. Do you recall how many you saw?

18 A. Two.

19 Q. Could you tell -- how would you describe those  
20 footprints, in terms of the type of shoe that it looked might  
21 have made them?

22 MR. SEARS: Your Honor, could we have more  
23 foundation as to location.

24 THE COURT: Overruled. You may proceed.

25 THE WITNESS: Some sort of athletic shoe or

1 tennis shoe. Something like that.

2 BY MR. BUTNER:

3 Q. They weren't just flat and plain, so to speak?

4 A. They weren't like cowboy boots. They weren't the  
5 pattern or something like the boots I am wearing. No. They  
6 appeared to be some sort of athletic shoe, something like  
7 that.

8 Q. The tire tracks, were you able to discern any kind  
9 of pattern with the tire tracks there in the dark, so to  
10 speak?

11 A. I just knew they resembled something like a  
12 mountain bike. Not as thin as a road racing bike, where the  
13 tires are an inch or so wide. This is wider, maybe two  
14 inches or more. I don't know, but it appeared to be that  
15 wide.

16 Q. You ride mountain bikes?

17 A. Yes, I do.

18 Q. So you were kind of familiar with that?

19 A. Yes, sir.

20 Q. When you observed those footprints and tire tracks  
21 there by the trailhead gate, what did you do?

22 A. The first time when I was here, I didn't think  
23 anything of it. I am looking around, and I just see it.  
24 Okay, I take a mental note of it. Looking in the area.  
25 Looking back here as far as I can see. My flashlight is

1 really not doing me justice at this point. So it is really  
2 hard to see anything beyond a couple of feet back here. I  
3 don't see anything.

4 I basically walk out of the area, still  
5 walking back. I meet a couple of other deputies that come  
6 over and join me in the canvassing of the neighborhood. We  
7 meet up. Nobody finds anything. Everybody tells me, no, we  
8 didn't find anything, Sergeant Acton. We decide to go back  
9 and return back to the scene.

10 Q. Speaking of the trailhead area, did you notice any  
11 trash in the trailhead area?

12 A. Not that I recall, no, sir.

13 Q. After you met back up with all of those deputies,  
14 where did you go?

15 A. We returned back to the scene.

16 Q. Back to the Bridle Path address?

17 A. That's correct. We went back to Bridle Path.

18 Q. At that point what did you do?

19 A. I saw Sergeant Huante at the scene.

20 Q. Did you report your findings at the Glenshandra  
21 trailhead to Sergeant Huante?

22 A. Yes, I did.

23 Q. And at that point in time, was any -- was a  
24 decision made concerning what should be done with your  
25 findings at the Glenshandra trailhead?

1           A.     He told me to go back to the scene --

2                   MR. SEARS:   Hearsay.

3                   THE COURT:   Overruled.

4                   THE WITNESS:  He told me to go back to the  
5 scene and have it photographed.

6 BY MR. BUTNER:

7           Q.     Did you return to the Glenshandra trailhead?

8           A.     Deputy Taintor and I returned to that location.

9           Q.     What did you do when you got there?

10          A.     When we got there, Deputy Taintor took his camera,  
11 and he proceeded to start photographing this area here.  He  
12 also went to the east side of the fence and started  
13 photographing whatever trails, footprints, bicycle prints you  
14 could see in the dark.

15                   I stayed on this side over here and  
16 started putting up crime scene tape.  Started on the south  
17 side here by the residence, and marked off this whole end  
18 around here.

19          Q.     Did you ever get a look at Deputy Taintor's  
20 photographs?

21          A.     They are quite horrific.

22          Q.     Not too good; right?

23          A.     And he has the better camera than I do.

24          Q.     So this is what you get in the dark out there with  
25 flashlights that are dying; right?

1 A. Yes.

2 Q. Thank you, very much. You can resume the stand.

3 After taking these photographs out there  
4 at the Glenshandra trailhead and putting up all of this crime  
5 scene tape, what did you and Deputy Taintor do?

6 A. After that, we left. Deputy Taintor had an  
7 assignment to go somewhere else, and I eventually went home.

8 Q. Was anybody detailed, so to speak, to keep an eye  
9 on the Glenshandra trailhead?

10 A. I don't recall.

11 Q. That wasn't your area, and you were headed off  
12 duty at that point?

13 A. Yes, sir.

14 Q. Who took over the investigation at that juncture?

15 A. Criminal investigations.

16 Q. The CI guys; right?

17 A. Yes, sir.

18 Q. The detectives.

19 Have you had any further involvement with  
20 the investigation of Carol Kennedy's murder since that time  
21 on July 2nd of 2008?

22 A. No, sir.

23 MR. BUTNER: I don't believe I have any  
24 further questions at this point. Thank you.

25 MR. SEARS: Your Honor, I think we have a

1 stipulation on five additional exhibits, and they are 2337,  
2 2338.

3 THE COURT: Those are in already.

4 MR. SEARS: 2339, 2340 and 2341, Your Honor.

5 MR. BUTNER: No objection to any of those  
6 being admitted at this time, Judge.

7 MR. SEARS: I think you were right. I think  
8 37 and 38 were admitted previously.

9 THE COURT: 2339, just to be clear, 2340 and  
10 2341 are admitted, ladies and gentlemen.

11 MR. SEARS: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. SEARS:

14 Q. Good morning, Sergeant.

15 A. Good morning.

16 Q. Let me show you Exhibit 2319 in evidence. Here.

17 Do you recognize that as a view of 7485  
18 Bridle Path taken from Bridle Path looking more or less east?

19 A. Yes, sir.

20 Q. We can see the crime scene tape there. We can see  
21 this low stucco wall, or portion of it, that you talked about  
22 with Mr. Butner there. The structure directly to the right  
23 there, that is the guesthouse; isn't it?

24 A. Right here, sir.

25 Q. And there is an archway that we talked about that

1 you go through, and you can go left or right, and that is  
2 where you and the entry team went through; correct?

3 A. Yes, sir.

4 MR. BUTNER: Mr. Sears, would you tell us the  
5 exhibit number, please.

6 MR. SEARS: 2319.

7 MR. BUTNER: Thank you.

8 BY MR. SEARS:

9 Q. And there is also a dirt driveway starting in the  
10 lower left of this exhibit that goes up, and it is more or  
11 less a circular driveway, goes up towards the guesthouse and  
12 loops around over in front of the main house and returns to  
13 that opening in that stucco wall; correct?

14 A. Yes, sir.

15 Q. This is 2316. Now we are looking just a little  
16 bit to the north on the lower left-hand corner, that is the  
17 other side of that low stucco wall that makes the opening  
18 that we saw in the previous photo; correct?

19 A. Yes.

20 Q. You can now actually see more of the circular  
21 driveway that goes around those two trees; correct?

22 A. Yes, sir. Right here.

23 Q. You can't see much of it, but peaking out between  
24 the two trees is the front door of the main house; correct?

25 A. I guess so, yes.



1           Q.     Off to the left of this photograph, not terribly  
2 clear, is the garage, and there is actually a driveway that  
3 goes up to the garage that is associated with the main house;  
4 correct?

5           A.     Yes.

6           Q.     Let me show you 2318.

7                     This now is looking -- you can see both  
8 sides of the opening in that stucco wall, another view of the  
9 guesthouse. Off to the right are some automobiles; correct?

10          A.     I don't recall.

11          Q.     Can you see on that picture, do those look like  
12 automobiles to you? I know you are awfully close.

13          A.     Actually, I can't tell.

14          Q.     You can't tell what those are yet?

15          A.     No.

16          Q.     Do you see a pole sticking up?

17          A.     Are we talking this, sir?

18          Q.     Right. If you go straight down, do you know what  
19 those objects are there?

20          A.     No, sir. I can't tell.

21          Q.     Okay. We have some other photographs of that.  
22 That is the guesthouse again in front of us; correct?

23          A.     Yes, sir.

24          Q.     Those are automobile tire impressions that we can  
25 see in the dirt driveway; right?

1 A. Vehicle impressions, right.

2 Q. We can see them going towards the guesthouse, and  
3 we can see some in the lower right-hand corner; correct?

4 A. Down here, yes, sir.

5 Q. Here is 2317, a little bit closer up, and we can  
6 see there appear to be several sets of automobile tire  
7 impressions, some going straight towards the archway and some  
8 curving off to the left; correct?

9 A. Yes, sir.

10 Q. Can you tell me -- let's go back and look at the  
11 larger shot. Let's look at 2319 here again.

12 When you arrived on scene, where was  
13 Deputy Taintor's patrol vehicle parked? Would it have been  
14 somewhere in this picture?

15 A. To the best of my recollection, it would be right  
16 about this area here.

17 Q. He pulled through this little opening and up onto  
18 the property, assuming that little wall is a boundary for the  
19 west side of the property; correct?

20 A. Yes.

21 Q. Where did you park?

22 A. I am not in this picture. I am back on the road.

23 Q. So you didn't drive up on the property?

24 A. No, sir.

25 Q. During the time you were there, other than Deputy

1 Taintor's vehicle, did you see any other law enforcement  
2 vehicles were parked inside the property?

3 A. No, sir.

4 Q. Mr. Knapp, apparently, tried to pull into that  
5 opening until you stopped him and backed him up; right?

6 A. That's correct.

7 Q. Looking again at 2317, do you know whose tire  
8 impressions those are?

9 A. No, I do not, sir.

10 Q. Did you see tire impressions in that general area  
11 on the night of July 2nd?

12 A. I don't recall any, sir.

13 Q. Were you looking for them?

14 A. No, sir.

15 Q. Were any police officers, to your knowledge,  
16 looking at automobile tire impressions in this general area  
17 in the driveway area on Bridle Path?

18 A. No.

19 Q. Let's take a little pull back here. Let's see how  
20 this looks. Let me try and orient you. This will make a  
21 little more sense here. This is Exhibit 2339 in evidence.

22 And do you recognize that, generally, as  
23 coming from the bottom of this photo up to the top as Bridle  
24 Path and then that 90-degree turn we talked about?

25 A. Jockey Path, here.

1           Q.     Can you show with your laser pointer the main  
2 house and guesthouse at Bridle Path?

3           A.     Here's the entrance to the driveway, guesthouse,  
4 main house.

5           Q.     Now, you told us before you went to canvass the  
6 neighborhood and that you had some contact with people named  
7 Drake; right?

8           A.     Yes, sir.

9           Q.     Can you show us where the Drake house is on that?

10          A.     It is right over here.

11          Q.     It the house directly south, if we assume this is  
12 running north-south, directly south of the Bridle Path  
13 residence?

14          A.     Yes.

15          Q.     Between the Drake house and the main house is the  
16 guesthouse; right?

17          A.     Guesthouse, right here.

18          Q.     Let's take a look at Exhibit 2340 here, and  
19 probably easier if we do it this way. Okay.

20                         We can see in yellow there, North  
21 Williamson Valley Road; correct?

22          A.     Yes, sir. Right here.

23          Q.     Can you see Bridle Path there?

24          A.     I see Bridle Path here.

25          Q.     Can you stop right about where the 7485 crime

1 scene is. Can you see where that would be in that diagram?

2 A. Right in there.

3 Q. Right in there, and there is that 90-degree turn;  
4 correct?

5 A. Yes, sir.

6 Q. This shows some of the street names that are  
7 associated with the roads around Bridle Path that you could  
8 use to get off and on Williamson Valley Road; correct?

9 A. Yes.

10 Q. And if you were going the drive -- on this map, if  
11 you were trying to drive back to Prescott, you would be  
12 heading up off the upper right-hand corner; right?

13 A. You go this way.

14 Q. Down Bridle Path, go that way, or just stay on  
15 Bridle Path; right?

16 A. Yeah, and you can go all the way down here.

17 Q. There is a stop sign there at North Bridle Path  
18 and Williamson Valley Road; right?

19 A. Yeah.

20 Q. If you were coming that way, you would turn left  
21 and head south on Williamson Valley Road back towards town;  
22 right?

23 A. You could, yes, sir.

24 Q. It might be easier to see on this Exhibit 2341.  
25 The lettering is a little bit small here.

1                   You see Williamson Valley Road in yellow  
2 again; right?

3           A.     That would be this area here.

4           Q.     Right. And you can see -- let me move it up a  
5 little bit. Do you see Glenshandra? Let me put my big old  
6 finger there. Do you see Glenshandra? You can't see it at  
7 all?

8           A.     Is that it?

9           Q.     That's it.

10          A.     I can't read it.

11          Q.     Take my word for it. You see Glenshandra. Can  
12 you see Bridle Path and Jockey Trail, where that intersection  
13 is?

14          A.     Is that Bridle Path?

15          Q.     Yes. And you can see that Williamson Valley Road  
16 heads on off the bottom of this Google map back towards town;  
17 right?

18          A.     Yes, sir.

19          Q.     There is a Sheriff's substation -- there wasn't in  
20 July of 2008 -- north of this location?

21          A.     Correct. Up here.

22          Q.     If you go up Williamson Valley Road a few more  
23 miles east on the Outer Loop Road, it is right there?

24          A.     Right at the intersection.

25          Q.     Is that where you were that night?

1 A. No, sir.

2 Q. Were you at 255 East Gurley?

3 A. No, sir.

4 Q. Were you out on patrol?

5 A. I was out on patrol.

6 Q. You can have a seat. Sorry, one more. This is  
7 2299. We talked about this a little bit.

8 This is the end of Glenshandra.

9 THE COURT: What is the number?

10 MR. SEARS: 2299.

11 Q. I can see what looks to be automobile tire  
12 impressions at the bottom of this exhibit; is that right?

13 A. Right here, yes, sir.

14 Q. Did you see automobile tire impressions that  
15 night, July 2nd, 2008?

16 A. Yes, sir.

17 Q. Did you see them in any other locations, other  
18 than where they are depicted in 2299?

19 A. I saw them in this general area right through  
20 here.

21 Q. It is obvious that automobiles had traveled in  
22 that area to you; is that right?

23 A. Yes, sir.

24 Q. Tell me what you did to preserve and inspect those  
25 automobile tire impressions that night?

1 A. I didn't do anything.

2 Q. Nothing?

3 A. No, sir.

4 Q. Now, you said there were some shoe print  
5 impressions and what appear to be bicycle tire impressions,  
6 and they were on the far side of that gate; is that right?

7 A. They were right here on the other side of the gate  
8 on the east side.

9 Q. On the inside, on the east side, the open land  
10 side?

11 A. Yes, on Wells Ranch.

12 Q. Did you see any bicycle tire impressions on the  
13 near side of that gate, which would be the west side?

14 A. I could see some faint bicycle tracks that went  
15 from the light poofy dirt into this gravel area coming in  
16 here. I had to lay my flashlight on the ground and roll it  
17 around and try to pick up the prints. It is coming towards  
18 the pavement.

19 Q. Who photographed those?

20 A. Deputy Taintor tried his best to photograph them.  
21 I don't know.

22 Q. Did you point those out to any other law  
23 enforcement officer besides Deputy Taintor?

24 A. No, I did not.

25 Q. You said you saw two shoe print impressions on the



1 other side that looked like athletic shoe impressions; is  
2 that right?

3 A. Yes, sir.

4 Q. Did you see similar shoe impressions on the near  
5 side, the east side of the gate there -- sorry, on the west  
6 side of the gate?

7 A. On the west side over in this area? Not that I  
8 can recall, no.

9 Q. You saw faint bicycle tire impressions. Can you  
10 say here today under oath that the faint bicycle tire  
11 impressions you saw heading towards that gate was associated  
12 with the tire impression you saw on the other side of the  
13 gate?

14 A. It matched up to it, the best I tell that night,  
15 yes, sir.

16 Q. There are no pictures?

17 A. The pictures are what Deputy Taintor took.

18 Q. Was there any effort made to keep people from  
19 walking over to the bicycle tire impressions --

20 MR. BUTNER: Excuse me. The jury is having  
21 trouble hearing the witness. If you could move that  
22 microphone closer, please, Sergeant Acton. Thank you.

23 THE COURT: Thank you.

24 BY MR. SEARS:

25 Q. Did you do anything to try and protect or preserve

1 these faint tire impressions that you say you saw on this  
2 side of the gate?

3 A. Besides photographing them, we taped off the area,  
4 sir.

5 Q. As you see it here. You taped the perimeter;  
6 right?

7 A. That's correct.

8 Q. But you were there when law enforcement personnel  
9 were walking around inside that taped perimeter; correct?

10 A. I was there twice. I was there previous when I  
11 first discovered it, and I came back about 10 or 15 minutes  
12 later, and we photographed it.

13 Q. You said you got some extra help, and you did a  
14 little canvassing of the neighborhood?

15 A. That's correct.

16 Q. Who came over and helped you?

17 A. That would be Deputy Joy, and I think it was  
18 Sergeant Howard was there, but I don't believe they were down  
19 at the end of that road with me and Deputy Taintor.

20 Q. And then you left and never went back to that  
21 area?

22 A. That's correct. I left somewhere around  
23 two-something in the morning.

24 Q. Let's talk about your visit inside the house. You  
25 said to Mr. Butner that there weren't any lights on that you

1 recall inside the house, but eventually when you were done  
2 clearing the scene, you turned on some lights in the hallway  
3 that we have seen; correct?

4 A. I turned on a light in the hallway, yes, sir.

5 Q. So that you could see what you were doing.

6 I assume that your first priority as you  
7 were clearing the scene was just that, that you wanted to see  
8 if there was anybody in there, and you wanted to protect all  
9 the officers that were inside, if anybody happened to be  
10 hiding in the house.

11 A. That's correct.

12 Q. After you cleared the house and determined there  
13 was nobody there, then it sounds like you began an initial  
14 investigation of the scene involving the body in the room;  
15 correct?

16 A. I did not.

17 Q. You told us that you went inside and checked for  
18 signs of life. That would be part of an investigation;  
19 wouldn't it?

20 A. I don't consider it part of investigation. I  
21 think it is part of my procedure that I check to make sure if  
22 the person needs medical care or not.

23 Q. Let's call it procedure then. The procedure that  
24 you initiated also involved having Deputy Joy go in the room  
25 to clear that room; correct?

1           A.     Yes, and I stepped in with him, yes.

2           Q.     Also, Deputy Joy was handed a camera to take some  
3 photographs inside the room, some of which we have seen here  
4 today; correct?

5           A.     Yes.

6           Q.     And you said that you detected what you thought  
7 was some blood on a light switch on the opposite side of the  
8 hallway from the room where the body was found; correct?

9           A.     That's correct.

10          Q.     You are still not investigating?

11          A.     I don't consider it an investigation.

12          Q.     Okay. And eventually you made some calls and had  
13 other law enforcement respond; had your superior, eventually  
14 detectives were called, crime scene people were called, a  
15 full scale investigation was eventually connected?

16          A.     Yes, sir. I just secured the scene and turned it  
17 over to them.

18          Q.     You are not trained as a crime scene evidence  
19 technician, I assume?

20          A.     I am not, sir.

21          Q.     Other people have that skill, apparently?

22          A.     Yes, sir.

23          Q.     Did it occur to you -- and let's sort of back up  
24 here. The evidence that we heard so far from Deputy Taintor  
25 is that he conducted a survey at the request of another

1 superior officer to see what the condition of the various  
2 doors to the outside were. Do you remember when he did that?

3 A. That would be after we cleared the residence and  
4 probably secured the scene. We did a protective sweep of the  
5 outside of the residence and the property, and they reported  
6 back to me that they had cleared that. They didn't find  
7 anything else out there. And I probably told him to make  
8 sure to check the status of doors, just to look.

9 Q. And his report was that there were two doors that  
10 were open. The door that you all went through, the glass  
11 doors that went into the dining room area, and then a door on  
12 the opposite side of the house that we saw in some pictures  
13 that went out towards the garage. Those doors to his  
14 recollection were unlocked.

15 Is that your recollection, as well?

16 A. I don't recall, sir. I did not check the doors.  
17 The only one I knew that was unlocked for sure was the one I  
18 entered on the south side, the glass door.

19 Q. Were you there when Deputy Joy walked across the  
20 room where the body was and determined that the door from  
21 that room to the outside was locked?

22 A. I was not, sir.

23 Q. Did you ever see that door in an unlocked  
24 condition that night?

25 A. The only time I have seen it unlocked is in this

1 picture that I was shown earlier today.

2 Q. That picture was taken long after you cleared the  
3 scene?

4 A. Yes, sir.

5 Q. When you were there, that door -- "that door"  
6 being the door outside from that room -- was closed; right?

7 A. It was shut.

8 Q. You don't know whether it was locked?

9 A. I have no idea.

10 Q. Let's assume for a minute that it was locked.  
11 That is what Deputy Taintor said. Let's assume that it was  
12 locked.

13 Now you have all of these different doors  
14 that go to the outside and two appear to be unlocked,  
15 according to Taintor, the door you went in and the door on  
16 the opposite side of the house. Did it occur to you that  
17 night that the person who did this, or persons who did this,  
18 may not have come through the door that goes into the room  
19 where the body was? They may have come through one of the  
20 other two unlocked doors? Did that occur to you that night?

21 A. I don't recall, sir.

22 Q. You said that you were -- you turned the light on  
23 in the hallway so you could see what you were doing. After  
24 you made the protective sweep and determined that you all  
25 were likely to be safe and there was no one else around, did

1 you start thinking that you ought to be careful about where  
2 you and the other deputies and sergeants were walking in that  
3 hallway?

4 A. That is a consideration in every scene that I go  
5 into. First is officer safety and then scene preservation,  
6 yes, sir.

7 Q. Did it occur to you, particularly in that hallway  
8 that led from the kitchen, living room, dining room area down  
9 to the bedrooms, including the bedroom where the body was  
10 found, did it occur to you that might be a place where  
11 whoever did this might have walked up and down that hallway?

12 A. Yes, sir.

13 Q. Did it also occur to you that because of the  
14 amount of blood in the scene, that whoever did that might  
15 have tracked even microscopic amounts of blood out into that  
16 hallway?

17 A. Yes, sir.

18 Q. If you went out that hallway -- if you continued  
19 going out that hallway, that hallway would take you to the  
20 door on the north side of the house that Deputy Taintor said  
21 he found to be unlocked; isn't that right?

22 A. I don't recall that.

23 Q. Let's take a look at the diagram. Can we have the  
24 ELMO back up, please. Exhibit 631.

25 Do you recognize this, Sergeant, as a

1 diagram of the floor plan? I know the writing is difficult  
2 to see. The floor plan of the interior of the main house at  
3 7485. If you want to come further back towards the ELMO, it  
4 might be easier to see.

5 A. Okay.

6 Q. Is that what you recognize it to be?

7 A. Yes, sir.

8 Q. With your laser pointer, can you point to the room  
9 where the body was?

10 A. This is the end of the hallway there.

11 Q. This is the plastic container. This is the  
12 ladder.

13 A. This is the room here. This is the wall.

14 Q. Stay in that room there for a minute, if you will.

15 A. Okay.

16 Q. To the right-hand side on the north wall, there is  
17 a door; correct? That is a door to the outside; correct?

18 A. Yes, sir.

19 Q. The opening on the bottom of that picture is a  
20 window; isn't it, on the east side?

21 A. I don't recall, but if you are saying it is a  
22 window, okay.

23 Q. There are not two doors to that room that you  
24 recall; are there?

25 A. Not that I recall. I just recall seeing this



1 here.

2 Q. Let's assume that that door is locked. Are you  
3 with me?

4 A. This one here?

5 Q. Yes, ma'am.

6 A. Okay.

7 Q. Let's go up. See the hallway there. Proceed up  
8 the hallway back towards the kitchen, and you take a right  
9 there, instead of going left in the kitchen, there is another  
10 door; correct?

11 A. There is a door here.

12 Q. Did you ever go and look at that door?

13 A. No, sir. I have made it to here. Looked in here  
14 for a person, and proceeded down the hallway.

15 Q. If I told you that that door -- that Deputy  
16 Taintor found that door to be unlocked, would you have any  
17 reason to dispute him?

18 A. Any reason to dispute him? No. If that is what  
19 he reported, that is what he reported.

20 Q. He is an experienced and trained deputy?

21 A. He took notes, I'm sure.

22 Q. Let's assume that the perpetrator came into the  
23 house through one of the two unlocked doors, which would be a  
24 reasonable assumption; correct?

25 A. It could be, yes.

1           Q.     And we know there is one door -- can you show us  
2 again the door that you came through.

3           A.     This one here.

4           Q.     That comes in on the south side. And there is  
5 this unlocked door on the north side; correct?

6           A.     There is a door here.

7           Q.     If the perpetrator came through that door, they  
8 may well have gone out that door; correct?

9           A.     They could.

10          Q.     And to get from the inside of the house, from the  
11 room where the murder took place, you would have to go up and  
12 down that hallway; wouldn't you?

13          A.     Unless you went out.

14          Q.     Unless you went outside; correct?

15          A.     Yes.

16          Q.     Did you look at the door to the outside to see how  
17 it would be locked? Could it be locked by a person without a  
18 key?

19          A.     I did not look at the door, and I don't recall.

20          Q.     You don't remember anything about the locking  
21 mechanism?

22          A.     Absolutely not.

23          Q.     But let's assume, again, that that door is locked  
24 and the person didn't go in and out of it, they would go up  
25 and down that hallway; correct?

1           A.     They could, yes.

2           Q.     My question is: Tell me what precautions, if any,  
3 you took for yourself and the other people under your command  
4 at that moment to not disturb physical evidence on that tile  
5 floor up and down that hallway?

6           A.     As best we could, if we saw anything, we would  
7 avoid stepping on it, or to do any cross-contamination. If  
8 there was something there that I saw, we photographed it  
9 immediately to show how the scene was while we were there and  
10 prior to us leaving.

11          Q.     You didn't wear crime scene booties, I assume?

12          A.     No, sir. I don't have those.

13          Q.     Of the initial responders, the five of you, none  
14 of you had crime scene booties on that night; is that right?

15          A.     That would be correct.

16          Q.     You understand from your training and experience,  
17 that blood is not always easily visible to the naked eye.  
18 Blood can be in very fine spray or very small droplets;  
19 correct?

20          A.     Yes, sir.

21          Q.     Did you do anything to completely stay out of that  
22 hallway? For example, did you find another way to move  
23 around inside the house without going up and down that  
24 hallway?

25          A.     No, sir, not through our protective sweep. There

1 was no other way.

2 Q. Did you instruct the people that were under your  
3 command that night to not touch light switches, door knobs,  
4 objects in the room?

5 A. Yes. They are told not to touch, not to move, and  
6 they know that also through training, but they are told that.

7 Q. Did you tell them again?

8 A. Yes, I did.

9 Q. And did they follow your instructions, as far as  
10 you know?

11 A. Yes, they do.

12 Q. Just a question or two more, Sergeant.

13 The pictures that we saw on the screen  
14 here, there were a number of pictures of the interior of the  
15 room where the body was located that showed a ladder that was  
16 over against the door and some large bookshelves that had  
17 fallen over; correct?

18 A. Yes, sir.

19 Q. In your experience, this looked like a pretty  
20 violent death for this poor lady; right? Lot of blood and  
21 obvious head trauma; correct?

22 A. Yes, sir.

23 Q. When you see things in a room that are knocked  
24 over, out of place, ladders and bookshelves, that calls in  
25 your mind for the possibility that there was a violent

1 struggle in that room before this woman was killed; correct?

2 A. I have no idea, sir.

3 Q. Never crossed your mind that things would be  
4 knocked over in a death struggle between Ms. Kennedy and  
5 whoever it was that killed her?

6 A. I have no idea what occurred, sir.

7 Q. I know you don't know what occurred. I am just  
8 asking whether you had an opinion, because you said you had  
9 other opinions about what the scene represented to you.

10 Did you have an opinion that this looked  
11 like a room where a struggle had taken place?

12 MR. BUTNER: Objection. Foundation.

13 THE COURT: Sustained.

14 BY MR. SEARS:

15 Q. Did you see signs of a struggle?

16 A. To the best of my recollection, I just saw the  
17 signs of trauma and a diseased person.

18 Q. The bookshelves had been knocked into each other  
19 forcefully enough, apparently, so that the top of one of the  
20 bookshelves had been ripped off. Did you see that? The top  
21 shelf had been ripped off?

22 A. I recall something in the pictures.

23 Q. And the bookshelf that it fell into had been  
24 knocked backwards with enough force to cut a little gouge  
25 into the drywall where the corner of that bookshelf was

1 resting. Did you see that?

2 A. I know that the bookshelf was knocked back. I  
3 don't recall a gouge.

4 MR. SEARS: I don't have any other questions.

5 Thank you, Your Honor.

6 THE COURT: Redirect.

7 REDIRECT EXAMINATION

8 BY MR. BUTNER:

9 Q. Let's see if we could -- okay.  
10 North would be up at the top of this  
11 diagram; right?

12 A. This is north right here.

13 Q. And, of course, Glenshandra Drive is pictured at  
14 the top?

15 A. Glenshandra is right here.

16 Q. Bridle Path is coming up from the bottom, the  
17 south portion of this particular diagram?

18 A. That's right here, yeah.

19 Q. Would you show us on the diagram where the Bridle  
20 Path residence is located?

21 A. It is right here.

22 Q. Now, there's a left-hand turn right in front of  
23 the Bridle Path residence; correct?

24 A. Yes.

25 Q. And does that -- that is called Jockey Path, I

1 think you said; right?

2 A. I think so, yes. I am pretty sure.

3 Q. Can you get off of Jockey Path and head out toward  
4 Williamson Valley Road?

5 A. Eventually, if you go down and make a bunch of  
6 these lefts and rights through here. This is called Shane,  
7 and yes, you can get back on Williamson Valley from here.

8 Q. That is the road that you were talking about. One  
9 of the other ways out?

10 A. Yes, sir.

11 Q. And it doesn't look like there is a connection on  
12 Jockey Path with North Spur Road?

13 A. That's correct.

14 Q. Is there?

15 A. There is.

16 Q. Would you show us. You see the gap between Jockey  
17 Path and North Spur?

18 A. Right here.

19 Q. Is that actually a paved road through there?

20 A. Yes.

21 Q. It is?

22 A. To the best of my recollection.

23 Q. So that road actually goes all the way through and  
24 connects with North Spur Road?

25 A. Yes. You go through here.

1 Q. And you also indicated that you can go in from  
2 Single Tree, which is right down there?

3 A. Right here.

4 Q. And you can go straight up Bridle Path from there?

5 A. Over there.

6 Q. Is that correct?

7 A. Yes, sir.

8 Q. Are there any other roads in there that are not  
9 depicted on this particular diagram?

10 A. Yeah, it appears so.

11 Q. Do you remember?

12 A. I don't recall what the names are on here, no,  
13 sir.

14 Q. But Shane Road is the one that you pointed out to  
15 us that doesn't have a name on it in this diagram also?

16 A. Shane, and I think this is Stable Lane. I am not  
17 positive though. I think that is Stable Lane.

18 Q. Okay. All right. Thank you.

19 Just to clarify the record, this is -- we  
20 have been referring to Exhibit No. 2340, this particular  
21 diagram. Is that correct, Deputy?

22 A. Yes, sir.

23 Q. When you are traveling on Williamson Valley Road  
24 coming from Prescott, you indicated earlier that there was a  
25 stop sign at North Bridle Path; is that correct?



1           A.     There would be one down here, if you had to come  
2 out and pull onto Williamson Valley.

3           Q.     And that intersection, when you pull out onto  
4 Williamson Valley, is that intersection located just beneath  
5 the crest of a hill coming from Prescott?

6           A.     To the best of my recollection, it is.

7           Q.     So if you are concerned about safety, is there a  
8 better way to get onto Williamson Valley Road if you are  
9 exiting the Bridle Path area?

10          A.     This is a nice wide open area to come in on Single  
11 Tree. It is also a little bit shorter coming this way. Just  
12 coming across, it is all residential through here, like 25  
13 mile an hour. This is the way I usually go in, unless there  
14 is some reason to go down here, if I have to go on a  
15 particular call, and I don't like this way either, because it  
16 is a really bad dirt road.

17          Q.     Up on Glenshandra Drive, that is a residential  
18 area, also; correct?

19          A.     This is all residential here.

20          Q.     The area adjacent to the trailhead, are there  
21 houses located in that area?

22          A.     If this is the end down here, there is a residence  
23 right here, and residences back here. There is residences  
24 all along the road.

25          Q.     There is residences all adjacent to the trailhead?

1 A. Basically the northwest corner over here.

2 Q. And on the photograph here, where would that  
3 residence be located?

4 A. Back over in this area here.

5 Q. There are private drives on those residences from  
6 Glenshandra that come out onto Glenshandra?

7 A. Yeah.

8 Q. Okay. On the -- we are here now with Exhibit No.  
9 2299. Correct?

10 A. Yes.

11 Q. That is a depiction of the Glenshandra trailhead?

12 A. Yes, it is.

13 Q. And you were talking about finding some -- or  
14 seeing some faint tracks in the dusty dirt, so to speak, on  
15 the west side of the Glenshandra trailhead?

16 A. Over here.

17 Q. Could you tell what kind of tracks those were?

18 A. It appeared to be the same track that I saw over  
19 here. It is the continuation coming this way of a bicycle  
20 track.

21 Q. Okay. Were they as defined prints in that dirt as  
22 they were on the east side of the trailhead?

23 A. No, they were not.

24 Q. Would you kind of describe what these faint tracks  
25 were like for us, please.

1           A.     It was really difficult to tell, because you go  
2 from the nice poofy dirt, where things can stand out, okay,  
3 into this gravel, and you will see it up here closer. It is  
4 crushed rock gravel, and where it is a little bit harder to  
5 pick up trails coming through here, and that is where it  
6 became difficult to see the trail coming through here. Even  
7 with my flashlight, laying it down on the ground, I could see  
8 a faint trail, but it became very difficult in the crushed  
9 rock.

10          Q.     When you say, "laying it down on the ground," you  
11 mean you set your flashlight down on the ground, laying on  
12 the ground to see if you could see these tracks?

13          A.     Yes, to see it better.

14          Q.     At that point in time they were barely visible?

15          A.     They were faint, yes, sir.

16          Q.     Thank you. But you saw that they were more  
17 defined on the east side of the trailhead gate?

18          A.     Yes.

19          Q.     Those were photographs that you attempted to take,  
20 or actually Deputy Taintor did; correct?

21          A.     Deputy Taintor, yes, sir.

22          Q.     Mr. Sears asked you a number of questions about  
23 the interior hallway there at Bridle Path. Of course, you  
24 went down the hallway when you cleared the scene?

25          A.     Yes.

1 Q. Was that your first time down the hallway?

2 A. Yes, that was my first time.

3 Q. And after going down the hallway to clear the  
4 scene, did you -- what did you do?

5 A. After I went down the scene -- or the hallway?

6 Q. Or the protective sweep, so to speak; right?

7 A. I headed back to the kitchen, and that is where I  
8 saw the purse. I made identification. I took the I.D., and  
9 I walked back there to make positive I.D. of the victim. I  
10 walked back to the kitchen. I started making phone calls.

11 Deputies came back. I then gave  
12 directions on what else they should report to and what they  
13 should do. They were sent out to put crime scene tape up.  
14 Some people were in charge of keeping the crime scene log.  
15 There were two or three of the deputies that took pictures.  
16 They were sent out to go take pictures, sent in to take  
17 pictures of whatever I was pointing out or whatever they  
18 found.

19 The medical people arrived. There were  
20 two that I brought in down the hallway.

21 Q. Everybody had to go in and out of this hallway?

22 A. It is the only way there.

23 Q. When you went down the hallway the first time and  
24 then you came back out of the hallway, were you looking for  
25 evidence at that point in time?

1           A.     No, I was not.

2           Q.     After you made these initial couple of trips down  
3 the hallway, you had noticed the blood spot on the light  
4 switch across the hall; is that correct?

5           A.     Yes, sir.

6           Q.     When was that first noticed?

7           A.     When I went down there with the I.D., and I was  
8 basically looking at the I.D. and I couldn't really tell, so  
9 I had to stop and turn. I was looking for the most  
10 convenient light to light up besides my flashlight. I stood  
11 there and I looked at the light switch, and that is when I  
12 noticed the speck of blood there, and I made note of it, and  
13 I turned on the light so I could see a little bit better in  
14 the area.

15          Q.     The light that you turned on was that hallway  
16 light?

17          A.     Yes, sir.

18          Q.     Were you careful not to touch the blood spatter?

19          A.     Yes, sir.

20          Q.     And after doing that and turning on the hallway  
21 light, did you ever observe any blood in the hallway?

22          A.     Not that I can recall.

23          Q.     Did you or the other deputies take efforts to  
24 avoid disturbing the crime scene?

25          A.     Yes, sir. If we see stuff, we try not to disturb

1 it any more than we already have, and we will take efforts to  
2 go around it and not step on it and not destroy it.

3 Q. Was there ever any blood discovered in the  
4 hallway?

5 A. Not that I recall.

6 Q. Other than the blood that was located on the light  
7 switch; right?

8 A. That is what I saw, yes.

9 Q. Did you see any other blood in proximity to the  
10 crime scene in the bedroom there in the hallway?

11 A. All I recall is those containers there. That was  
12 it. That is all I recall.

13 Q. And all of that was preserved?

14 A. Yes, sir.

15 Q. And photographed?

16 A. It was photographed.

17 MR. BUTNER: I have no further questions of  
18 this witness, Judge. Thank you.

19 THE COURT: There are already a number of jury  
20 questions, and I have some more coming I see.

21 What I am going to do, ladies and  
22 gentlemen, for your convenience take a break at this point,  
23 excuse you from the room, and you can go refresh yourselves,  
24 and it may be a little bit longer break because I want to  
25 give the staff and the lawyers a little bit of a break. We

1 are going to go over the questions first.

2 Remember the admonition. Don't discuss  
3 the case among yourselves.

4 (Whereupon, the jury exits the courtroom.)

5 THE COURT: The jury has left the room. Do  
6 you want to take a break first and then go over the  
7 questions?

8 MR. SEARS: I would just as soon look at the  
9 questions.

10 MR. BUTNER: Just so long as we get a break.

11 THE COURT: I will let the lawyers look at the  
12 questions and give you a break.

13 (Brief recess.)

14 THE COURT: Let me go on the record, so we can  
15 get going with the jury.

16 Mr. Sears and Ms. Chapman are here for  
17 the defense. Mr. Butner and Mr. Paupore for the State.

18 We received a number of questions that  
19 relate to Sergeant Acton's testimony, and the lawyers have a  
20 chance to go over those. Do you have any objection to the  
21 questions that were posed, Mr. Sears?

22 MR. SEARS: No, Your Honor. I think we  
23 decided we can ask them all, even the one about the street  
24 connection here, with some appropriate follow-up.

25 THE COURT: I will allow follow-up, as I

1 always do.

2 Mr. Butner, any objections to the  
3 questions?

4 MR. BUTNER: No, none.

5 THE COURT: All right. What do you need to do  
6 before we get the jury back in, either side? Ready to go?

7 MR. BUTNER: I think so.

8 THE COURT: Bring in jury back, please.

9 I am advised we are short one juror  
10 still. In particular, I wanted to see how you all wanted to  
11 address, since the jury is still not back yet, how you wanted  
12 to address the light switch photos. I understand that one of  
13 the questions was they wanted to see the original light  
14 switch photo, I think in comparison to 2324. There was a  
15 2315.

16 MR. SEARS: It is admitted twice. 2324 and  
17 2315 are both admitted. But we have a digital photo on the  
18 laptop that we can project and they can all see it at once.  
19 It is clearer than the individual photos.

20 MR. BUTNER: It may be what they are asking,  
21 Judge. I think Mr. Sears pointed it out to me. If they want  
22 to look at the photo here, pass it among themselves so they  
23 can actually look at the photo, rather than the ELMO version.

24 THE COURT: Can I ask for purposes of  
25 clarification, if 2315 and 2324 are actually the same photo,



1 but --

2 MR. BUTNER: I think they are, yes.

3 MR. SEARS: They were inadvertently marked one  
4 by each side this morning.

5 THE COURT: It isn't two photos. It is just  
6 one photo.

7 MR. SEARS: If we can have a second here, we  
8 can show Mr. Butner what it looks like. It is much quicker  
9 than passing around the photo to 17 jurors. I think you will  
10 see it is clearer. It is a digital photo.

11 THE COURT: Should we have a stipulation that  
12 the photo, even though it is marked twice, is actually the  
13 same photo?

14 MR. BUTNER: Sure.

15 MR. SEARS: Yes. 2315 and 2324 are the same  
16 image, Your Honor.

17 THE COURT: Okay. If you don't mind me  
18 telling them that that is admitted twice, we can do that.

19 Can you zoom in on that? Do you want to  
20 show it that way, gentlemen?

21 MR. BUTNER: I think backed out is a little  
22 bit better, a better view. That is probably better.

23 THE COURT: Do you want to start with the  
24 light switch photo and explain it is admitted twice?

25 MR. SEARS: Start with that, and then at some

1 point they wanted to see a particular exhibit again.

2 MR. BUTNER: We have to put the screen up for  
3 this. We will do these two things and then put the screen up  
4 and show them this.

5 THE BAILIFF: The harder part is moving the  
6 machine without unplugging it.

7 THE COURT: Bring the jury back in.

8 (Whereupon, the jury enters the courtroom.)

9 THE COURT: Mr. Butner, Mr. Sears, please.

10 (Whereupon, a discussion was held off the record.)

11 THE COURT: Record reflects the defendant is  
12 present. Mr. Sears, Ms. Chapman on his behalf, and  
13 Mr. Paupore and Mr. Butner for the State.

14 I had a large number of questions for  
15 this witness. One I received from somebody who apparently  
16 composed it overnight. Again, let me caution you about doing  
17 any research, but I understand that brains don't stop  
18 thinking at nighttime. So I do not prohibit jurors from  
19 coming in with questions in the morning, if they typed them  
20 out and used the computer simply as a word processing device,  
21 as opposed to looking up or doing research. The word  
22 processing is permitted, obviously. The research is  
23 prohibited.

24 And I recognize that it is a lengthy  
25 question that I am not going to ask in this particular

1 fashion. What I am going to say, as agreed upon by the  
2 lawyers that I could, in trials, evidence may come in in bits  
3 and pieces. Some through some witnesses, some bits come out,  
4 and other bits of information come out through other  
5 witnesses. To an extent, you have to be patient with the  
6 process in which various witnesses may see things and other  
7 witnesses may see other things.

8 So I think, if the lawyers have directed  
9 me in the right direction, I am being told that this question  
10 will be answered through additional witnesses, through the  
11 process of the presentation that Sergeant Acton -- it is  
12 probably unfair to ask this question of this particular  
13 witness in the fashion in which this proposes it.

14 Be patient. There will be other  
15 witnesses to address the question. I don't know who this  
16 came from, and I don't need to know who this came from, but I  
17 think I want to make that comment at this time.

18 Anything else on that topic, Mr. Butner  
19 or Mr. Sears?

20 MR. SEARS: No, Your Honor.

21 MR. BUTNER: Nothing further from the State,  
22 Judge. Thank you.

23 QUESTIONS BY THE JURY

24 THE COURT: We did have a number of questions,  
25 though, that need responses. There was a question: "Can we

1 look at the original light switch photo?"

2 In responding to this question I think I  
3 learned, and I think the lawyers may have learned as well,  
4 that actually the same light switch photo is admitted twice.  
5 It is simply a duplicate. You had one No. 2315 that was  
6 admitted, I think, yesterday. And we had 2324 that was  
7 admitted today. It is actually the same photo simply  
8 reproduced twice, and has been marked twice and admitted  
9 twice, but it is the same photo. Having had the question:  
10 "Can we look at the light switch photo again?" We thought  
11 that rather than letting you pass it from one to the other,  
12 to be more efficient, to simply put it up on the wall.

13 Are you prepared to do that at this time?  
14 Let's try this: If you want to see the original, let me  
15 know. If there is anybody that still wishes to have the  
16 original passed to you, would you raise your hand? I don't  
17 see anybody raising their hand. Thank you.

18 Thank you, Mr. Robertson.

19 The record should reflect that a slightly  
20 enlarged presentation in projection on the wall was made by  
21 the parties in response to that question.

22 Question for Sergeant Acton: Was there  
23 any blood on the ladder?

24 THE WITNESS: Not that I recall.

25 THE COURT: Were any books under the turned

1 over bookshelf?

2 THE WITNESS: Not that I recall.

3 THE COURT: I think we have another -- let me  
4 save the others for -- we have a couple of other exhibit  
5 requests, 2330, gentlemen and Ms. Chapman, and 2334. Let me  
6 save that, and perhaps you could -- one or the other side  
7 could get those exhibits out, 2330 and 2334.

8 Sergeant Acton, how many death  
9 investigations have you been involved in?

10 THE WITNESS: Hundreds.

11 THE COURT: Question: What was directly  
12 opposite of the ladder? If it had fallen backwards, what  
13 could it have possibly been propped up against?

14 THE WITNESS: I don't know how to answer that  
15 question, sir.

16 THE COURT: All right. There has been some  
17 reference to the ladder laying across the door. Do you mean  
18 leaning against something?

19 THE WITNESS: The ladder was leaning at the  
20 top edge of the door. It was right on top of the door, that  
21 is what it was touching.

22 THE COURT: Question: How was the ladder  
23 supposed to be positioned?

24 THE WITNESS: The best I could tell, the rungs  
25 at the far end -- if you remember the pictures, all the way

1 at the other end of the room, there was a couple of metal  
2 clips that came down, that is where the ladder belonged, down  
3 there.

4 THE COURT: Where was the loft in this room?

5 THE WITNESS: If you walk in the door, walking  
6 in the bedroom from the hallway, turn directly right, look  
7 down there, and it is right behind, up on that side. If you  
8 are standing in the hallway, look in the room and turn to  
9 your right, it would be up above, slightly down and up above.

10 THE COURT: Question: Do deputies have radios  
11 they carry with them, or are they only in their cars?

12 THE WITNESS: We carry portable radios on us,  
13 but they don't always work to the best of their ability.

14 THE COURT: Question: Were dogs barking at  
15 you while you were in the house with the victim?

16 THE WITNESS: No. The dogs that were in the  
17 house, the two, only barked at us as we approached the door.  
18 Once we opened the door, the dogs came out and we went in,  
19 and after that, they did not bark at us anymore.

20 THE COURT: Question: Were there any marks on  
21 the gate where a bike being lifted over might have left a  
22 mark, scratch or paint smear?

23 THE WITNESS: I don't recall any marks.

24 THE COURT: Question: Are there streetlights  
25 at Bridle Path and Williamson Valley intersection?

1 THE WITNESS: No streetlights.

2 THE COURT: Question: Do you know if other  
3 officers walked the complete trail to find more prints?

4 THE WITNESS: I do not know.

5 THE COURT: Question: Do Jockey Path Road and  
6 North Spur Road, in fact, actually connect?

7 THE WITNESS: They do connect, but it is down  
8 a ways.

9 THE COURT: I have a question about the Ranger  
10 pickup driven by Mr. Knapp and what direction it came from?

11 THE WITNESS: The vehicle came from the south  
12 on Bridle Path, and was driving north towards the house.  
13 Coming from the south and driving north.

14 THE COURT: I have a question: Is it possible  
15 to see Exhibit 2330 again? Does somebody have 2330?

16 MR. BUTNER: I have it, Judge, and I will get  
17 2334, also.

18 THE COURT: All right. Why don't you set up  
19 whatever you need to set up to retrieve that and allow the  
20 jury to see that.

21 MR. BUTNER: Judge, we have an agreement,  
22 Mr. Sears and I do, that this particular photographic map  
23 overlooking the area can be made into an exhibit and admitted  
24 into evidence, and we have agreed that it can be shown to the  
25 jury at this point in time in response to the question about

1 Spur and the connection.

2 THE COURT: Are you going to give it a  
3 particular number, or just the next number?

4 MR. SEARS: What we will have to do is, over  
5 the recess, we will have to print out an eight-and-a-half by  
6 eleven and bring that back to court.

7 THE COURT: Can we save a number for doing  
8 that? Is that possible under the current system?

9 Why don't we just go ahead and project it  
10 and then we will make a record of what the number is at the  
11 time that you bring the physical exhibit in.

12 MR. SEARS: This is another portion of 2215,  
13 Your Honor.

14 THE COURT: Is somebody going to pose a  
15 question at this point?

16 MR. BUTNER: I will.

17 Do you see where Bridle Path is located,  
18 Sergeant Acton? You have got that laser pointer; right?

19 THE WITNESS: This is Bridle Path.

20 MR. BUTNER: And then the street that turns to  
21 the left off of Bridle Path is named?

22 THE WITNESS: Jockey Path.

23 MR. BUTNER: And where is -- I think it is  
24 called Spur Drive? Is it further south on the next photo?

25 THE WITNESS: It is down this way.



1 MR. BUTNER: If we raise this, we will lose  
2 Glenshandra. Why don't we go ahead and raise it, though.

3 Spur Road it is called; correct?

4 THE WITNESS: I don't know.

5 MR. BUTNER: Okay. Are you now able to see  
6 where Spur Road connects with Bridle Path?

7 THE WITNESS: Back over here. There is a  
8 trail right here, too. Right there.

9 MR. BUTNER: Is it further south?

10 THE WITNESS: Right there.

11 MR. BUTNER: Oh. Let me show you -- let me  
12 get this marked and put this on the overhead. It has got the  
13 full picture, because we are not able to see everything.

14 This is Exhibit No. 2340. Needs to go  
15 just a little further south. A little further. Little  
16 further. There it is.

17 We can't see Bridle Path, then. The  
18 street that is coming in, that street there is Jockey Path;  
19 isn't it, the one that you were just pointing at?

20 THE WITNESS: This is Bridle Path right here.  
21 Then Jockey Path comes around, and you come down back to the  
22 intersection here. Come back down. There is an intersection  
23 here. You go back this way; here, here, here, here, and back  
24 out this way.

25 MR. BUTNER: Where does Spur Road connect with

1 Bridle Path?

2 THE WITNESS: This is it down here. I am not  
3 positive, though, but this is -- I am not sure. I know that  
4 is Bridle Path here.

5 MR. BUTNER: Let me put it on the ELMO.

6 That is where Spur Road connects with  
7 Bridle Path?

8 THE WITNESS: Right here.

9 MR. BUTNER: And that little part there, how  
10 does that connect with -- is it Jockey Path there?

11 THE WITNESS: That is Jockey Path right here.

12 MR. BUTNER: How does that section of Spur  
13 Road connect with Bridle Path?

14 THE WITNESS: There is a little bridgeway  
15 there, but other than that, it doesn't.

16 MR. BUTNER: There is a bridgeway that goes  
17 across it?

18 THE WITNESS: Yes.

19 MR. BUTNER: Is it for cars?

20 THE WITNESS: No.

21 MR. BUTNER: It is for people?

22 THE WITNESS: People.

23 MR. BUTNER: People and other objects?

24 THE WITNESS: There is like a little gully  
25 running through here, like a little wash.

1 MR. BUTNER: Thank you, very much. I think  
2 that addresses the question.

3 Then I have these other photos to show.

4 THE COURT: The lawyers have agreed to do a  
5 physical exhibit that will be renumbered. Mr. Butner, the  
6 one that you showed that you put up on the ELMO was what?  
7 The one that was being projected by computer on the wall has  
8 not been given a number yet. We will identify what that  
9 number is. The one that Mr. Butner used was?

10 MR. BUTNER: 2340.

11 THE COURT: 2340. Thank you.

12 MR. BUTNER: Thank you, Judge.

13 The jurors asked to see Exhibit No. 2330  
14 again. And for the record what is depicted in that exhibit?

15 THE WITNESS: We have the ladder here, the  
16 bookshelf here, another bookshelf back here. We have the  
17 checkbook here, the computer desk right here, and entryway  
18 into the room here.

19 MR. BUTNER: Did you notice anything located  
20 on the carpet area by the checkbook?

21 THE WITNESS: Blood stains. And then this  
22 part, the little knobs here, that is what holds up the trim  
23 along the desk. That is not in the picture, though.

24 MR. BUTNER: And then Exhibit No. 2334.

25 THE WITNESS: Again, there is the checkbook

1 here. Blood stains.

2 THE COURT: With regard to this 2334, there  
3 was a specific question from a juror: Was there a bloody  
4 handprint above the checkbook?

5 THE WITNESS: I don't know.

6 THE COURT: Thank you. That concluded the  
7 juror questions. If there are anymore, please let us know.  
8 I will let the lawyers have follow-up on the questions that  
9 were posed. We will start with Mr. Butner.

10 FOLLOW-UP QUESTIONS

11 MR. BUTNER: Were those pictures taken by  
12 Deputy Joy, to your knowledge?

13 THE WITNESS: Yes, I believe so.

14 MR. BUTNER: And you had detailed him to do  
15 that?

16 THE WITNESS: Yes. The deputies were  
17 instructed to take pictures.

18 MR. BUTNER: Okay. I don't have any further  
19 questions at this time. Thank you.

20 THE COURT: Mr. Sears.

21 MR. SEARS: Thank you, Your Honor.

22 FOLLOW-UP QUESTIONS

23 MR. SEARS: Sergeant, we are talking about  
24 this ladder that was found in the room where the body was  
25 found, and you said, if I understood your testimony, that it

1 appeared to you that the ladder was made so that it would  
2 hang on some hooks on the wall, so that a person could use  
3 that ladder to get up to the loft area. That is what you  
4 thought?

5 THE WITNESS: That is what I thought those  
6 metal hooks are.

7 MR. SEARS: You certainly don't know on July  
8 2nd, 2008, where that ladder had been just before it landed  
9 in the position you saw it in?

10 THE WITNESS: I do not know, sir.

11 MR. SEARS: And you don't know whether that  
12 ladder was even kept in that room any longer; correct?

13 THE WITNESS: I don't know.

14 MR. SEARS: That ladder wasn't fixed to the  
15 wall so that it had to be removed. They are just hooks?

16 THE WITNESS: That is what it appeared to be,  
17 sir.

18 MR. SEARS: So it could be taken down and  
19 moved around and kept anywhere?

20 THE WITNESS: Yes.

21 MR. SEARS: You didn't see any evidence that  
22 would in any way lead you to some conclusion about where the  
23 ladder had been before it came to rest on the top of the  
24 door?

25 THE WITNESS: No, sir.

1 MR. SEARS: You didn't see marks on the carpet  
2 or marks on the wall that you thought were associated with a  
3 ladder?

4 THE WITNESS: Not that I recall.

5 MR. SEARS: Similarly, there was a question  
6 from the jury about marks on the gate. I think they were  
7 talking about the gate at the end of Glenshandra. Is that  
8 what you thought the question was about?

9 THE WITNESS: That is what I thought the  
10 question was, sir.

11 MR. SEARS: Did you inspect that gate?

12 THE WITNESS: I looked at it.

13 MR. SEARS: Did you look at it for possible  
14 biological or fingerprint evidence?

15 THE WITNESS: I just looked at it, and I  
16 didn't see anything standing out in my mind.

17 MR. SEARS: Did you touch the lock?

18 THE WITNESS: No, I did not.

19 MR. SEARS: Did you look to see if the lock  
20 was locked?

21 THE WITNESS: I observed that the lock was  
22 locked.

23 MR. SEARS: What kind of lock was it?

24 THE WITNESS: It was a padlock.

25 MR. SEARS: Did it require a key or a

1 combination?

2 THE WITNESS: A key.

3 MR. SEARS: A key; is that right?

4 THE WITNESS: That is what I recall.

5 MR. SEARS: There was a piece of paper in some  
6 pictures that we saw that was on the barbed wire fence that  
7 Deputy Taintor told us were instructions about how a person  
8 could get permission to go through that gate and use the lock  
9 by calling a certain number. Do you remember seeing that  
10 paper?

11 THE WITNESS: I remember seeing, yes, a white  
12 piece of paper that was typed up and a clear plastic thing.

13 MR. SEARS: It was on the fence?

14 THE WITNESS: To the right, yes, on the fence.

15 MR. SEARS: Did you contact the telephone  
16 number on that piece of paper?

17 THE WITNESS: No, I did not, sir.

18 MR. SEARS: Did you know whose phone number it  
19 is?

20 THE WITNESS: No, I do not.

21 MR. SEARS: Apparently, somehow, whoever put  
22 that lock on there, would let people go through there with  
23 permission?

24 THE WITNESS: Yes, sir. It said that local  
25 people could go through.

1 MR. SEARS: Thank you. That is all I have.

2 Thank you, Your Honor.

3 THE COURT: Anything further, Mr. Butner?

4 MR. BUTNER: Nothing further. Thank you,  
5 Judge.

6 THE COURT: May Sergeant Acton be excused from  
7 further participation in the trial?

8 MR. BUTNER: She may..

9 THE COURT: Any objection? Do you want her  
10 subject to recall?

11 MR. SEARS: Please.

12 THE COURT: You are subject to recall,  
13 Sergeant Acton. The possibility remains that you could get  
14 called back. The lawyers will have to be in touch with you  
15 as to the date of that and time of that. So you remain under  
16 the rule excluding witnesses. You must not discuss your  
17 testimony with anyone, except for the lawyers, and then when  
18 no other witnesses are present, as I am sure you understand  
19 the rule.

20 THE WITNESS: Yes, sir.

21 THE COURT: But you can step down at this  
22 point.

23 THE WITNESS: Okay. Thank you.

24 THE COURT: Next witness, Mr. Butner.

25 MR. BUTNER: I call Deputy Scott Joy to the



1 stand.

2 THE CLERK: You do solemnly swear or affirm  
3 under the penalty of perjury that the testimony you are about  
4 to give will be the truth, the whole truth, and nothing but  
5 the truth, so help you God?

6 THE WITNESS: I do.

7 THE COURT: Mr. Butner.

8 MR. BUTNER: Thank you.

9 SCOTT JOY,  
10 called as a witness, having been duly sworn, testified as  
11 follows:

12 DIRECT EXAMINATION

13 BY MR. BUTNER:

14 Q. Please state your name for the record.

15 A. My name is Scott Joy.

16 Q. And what is your occupation, sir?

17 A. I am a deputy sheriff with the Yavapai County  
18 Sheriff's office.

19 Q. And how long have you been a deputy sheriff with  
20 the Yavapai County Sheriff's office?

21 A. I have been there with the Sheriff's office since  
22 October of '97, and on patrol since May of '99.

23 Q. So about 13 years all total?

24 A. Yes, sir.

25 Q. And have you had any special training or education

1 to prepare yourself for your occupation as a Deputy Yavapai  
2 County Sheriff?

3 A. Yes, I have.

4 Q. What is that, please? Please describe it.

5 A. It was a 17-week program through the Northern  
6 Arizona Regional Training Academy. Ran from January through  
7 May of 1999.

8 Q. Okay.

9 A. And since then, I have had numerous in-service  
10 POST accredited trainings.

11 Q. Numerous training seminars and things of that  
12 nature since then?

13 A. Yes, sir.

14 Q. Have you basically been a patrol officer since  
15 1999 consistently?

16 A. Yes, I have.

17 Q. And were you performing your duties as a patrol  
18 officer, patrol deputy for the Yavapai County Sheriff's  
19 office on July the 2nd of the year 2002?

20 THE COURT: Excuse me?

21 MR. BUTNER: 2002? I don't know where that  
22 came from.

23 Q. July the 2nd of 2008?

24 A. Yes, I was, and 2002 also.

25 Q. Well, thank you.

1                   On July 2nd of 2008, do you recall what  
2 shift you were working?

3           A.     I was working a swing shift from 2:00 to midnight.

4           Q.     And while you were on that particular shift, did  
5 you have occasion to receive information for you to somehow  
6 respond to a location on Bridle Path?

7           A.     Yes, I did.

8           Q.     Would you tell us how you got the information for  
9 you to respond to Bridle Path?

10          A.     That night I was working as a field training  
11 officer for Deputy Chad Shilling, and being it was his last  
12 shift with me for his training phase, we were kind of  
13 wrapping things up, and I heard a couple of the sergeants,  
14 Sergeant Acton and Sergeant Howard, say that they were going  
15 to be responding to an address. It is kind of unusual to  
16 have both sergeants state that they were going to be going to  
17 the same place at the same time during that frame. So I  
18 contacted dispatch and found out that Deputy Taintor had  
19 responded to a welfare check.

20          Q.     And Sergeants Acton and Howard were also  
21 responding to that same location?

22          A.     Yes, they were.

23          Q.     That was unusual?

24          A.     Yes.

25          Q.     Did you hear all of this over the radio?

1           A.     I heard Sergeant Acton and Sergeant Howard on the  
2 radio. The other information I got via cell phone from  
3 dispatch.

4           Q.     What did you decide to do?

5           A.     We hadn't had many welfare checks, Deputy Shilling  
6 and I, so I thought it would be good for his training to see  
7 how to conduct a welfare check. So we got the address and  
8 went to the residence.

9           Q.     Approximately what time did you arrive out at the  
10 Bridle Path location?

11          A.     It was about a quarter after 9:00 p.m.

12          Q.     And what did you observe when you got there?

13          A.     When I got there, Deputy Taintor was there,  
14 Sergeant Acton, Deputy Boan, I believe was also there, and  
15 Sergeant Howard responded there, got there about the same  
16 time I did.

17          Q.     So how many police cars were parked out there?

18          A.     Five total.

19          Q.     And you and Shilling were in the same vehicle?

20          A.     Yes, sir.

21          Q.     What did you do upon arrival at Bridle Path?

22          A.     Spoke with Sergeant Acton and Deputy Taintor, and  
23 Deputy Taintor advised me of what he had seen inside the  
24 house.

25          Q.     What did he indicate to you?

1           A.     He said he had gotten there for a welfare check,  
2     and had gone around checking through the windows, and had  
3     seen a woman lying on the floor in what appeared to be a pool  
4     of blood.

5           Q.     So upon receiving that information, was some sort  
6     of plan formulated?

7           A.     It was decided we would make entry into the house  
8     and clear it and make sure that the woman inside was okay,  
9     and see if there was anybody else either in need of help or  
10    in the house at all.

11          Q.     Who was in charge, basically?

12          A.     In charge of?

13          Q.     Was somebody supervising the situation?

14          A.     Sergeant Acton was the acting supervisor for the  
15    scene.

16          Q.     Okay. And what was your role in proceeding with  
17    the plan?

18          A.     My role was as point man. So basically I was the  
19    first one to walk into the scene and then into the residence.

20          Q.     Okay. Do you remember which direction you entered  
21    the house from?

22          A.     We came in through the driveway on the west side  
23    of the residence and walked along the south side of the  
24    driveway up towards the detached garage.

25          Q.     We are getting full cabinets here.

1                   Let me show you what is admitted into  
2 evidence as Exhibit No. 2320. Let me, as I stated, show you  
3 what was marked as Exhibit 2320.

4                   Do you recognize what is depicted in that  
5 exhibit?

6           A.     Yes, I do.

7           Q.     What is it?

8           A.     That would be the French doors on the south side  
9 of the residence of Bridle Path.

10          Q.     Are those the doors through which you entered?

11          A.     Yes, they are.

12          Q.     When you approached the doors, did you notice  
13 anything of significance upon your approach?

14          A.     The door was open. There wasn't any blinds, and  
15 there were two little dogs in there just barking up a storm.

16          Q.     There were a couple of dogs barking at you as you  
17 came up to the doors?

18          A.     Yes, sir.

19          Q.     Was this -- I think we heard Sergeant Acton say a  
20 tactical type of maneuver. Was this a tactical maneuver that  
21 you were engaging in?

22          A.     Yes, it was. It is called a single stack, where  
23 we have one designated point man, and everybody lines up in a  
24 single file right behind them to make the approach.

25          Q.     Before entering the Bridle Path residence, the

1 main house there, had somebody else gone someplace else?

2 A. Before that we had stopped on the walkway, and a  
3 couple of deputies went in to clear the residence that is  
4 part of the detached garage.

5 Q. Okay. And that was located further to the south?

6 A. To the south, yes.

7 Q. Is this another -- Exhibit No. 2252. Is this  
8 another exhibit -- is this another photograph of the doors  
9 through which you entered?

10 A. Yes, it is.

11 Q. And the other residence -- or the other area that  
12 somebody else inspected, where was that located?

13 A. It would be to the side of this walkway,  
14 practically back behind where the camera was when this  
15 picture was taken.

16 Q. And who went and inspected that area?

17 A. I do not know for sure.

18 Q. You don't remember?

19 A. No, sir. I was at the front, and anything else  
20 was happening back behind me.

21 Q. Were you armed at this time?

22 A. Yes, I was.

23 Q. How were you armed?

24 A. I had my department issued AR-15.

25 Q. So you had a rifle?

1 A. Yes, sir.

2 Q. The other officers, did they have their sidearms  
3 drawn?

4 A. Yes, they did.

5 Q. Was it light or dark?

6 A. It was dark.

7 Q. Did you have flashlights?

8 A. Yes.

9 Q. So you entered through these double glass doors  
10 here?

11 A. Yes.

12 Q. And tell us what you did after that.

13 A. When I opened the doors, I walked in, and I  
14 scanned to the right into the kitchen area and then on the  
15 left where there was a recessed living room area. As we made  
16 our way through the little dining room part of the kitchen,  
17 there was a hallway that went off to the right, and I held  
18 and staged there at the right, while the other areas were  
19 cleared by the other deputies.

20 Q. Let me show you what is admitted into evidence as  
21 Exhibit 2322.

22 Do you recognize that?

23 A. Yes. That would be the interior of the door, and  
24 then the little dining area with the kitchen being back on  
25 this side of it.



1 Q. Okay. And Exhibit 2321.

2 What is depicted in that?

3 A. That would be the kitchen.

4 Q. And did you proceed past that area?

5 A. Yes, I did.

6 Q. Let me show you what is admitted as Exhibit 2323.

7 Do you recognize what is depicted in that  
8 exhibit?

9 A. That would be the pantry that is attached to the  
10 breakfast bar in the kitchen, and the other side of that is  
11 the hallway.

12 Q. So did you go around that pantry area and proceed  
13 down the hallway to the right?

14 A. Yes, I did. I came across on the left side of  
15 this, and then hooked to the right to face down the hallway.

16 Q. Were you and the other officers in single file at  
17 that time?

18 A. Yes, we were.

19 Q. Describe how you proceeded down the hallway?

20 A. We use a tactical building clearance method, where  
21 I as the point man would stay up front. Walk up, approach  
22 the door, make sure nothing is coming ahead, and stop on the  
23 other side of the door while other deputies would file in  
24 there to clear it to make sure nobody was in there.

25 Q. Who was behind you, if you recall?

1           A.     I don't recall the order, but I know Sergeant  
2 Acton, Deputy Taintor, Deputy Shilling and Sergeant Howard  
3 were in there.

4           Q.     Let me show you what has been admitted into  
5 evidence as Exhibit 2242.

6                     Is that the hallway?

7           A.     Yes, it is.

8           Q.     And you proceeded down that hallway?

9           A.     Yes, I did.

10          Q.     As the point person, how do you function in this  
11 operation? What it is that you do?

12          A.     My function in that is to maintain coverage for  
13 any potential threat that could be down at the end of the  
14 hall, and to prevent that threat from advancing on the  
15 officers that are clearing the rooms back behind me.

16          Q.     The officers follow you as you proceed down the  
17 hall. You pause at the doorways?

18          A.     Yes.

19          Q.     And they go into the rooms and clear the rooms?

20          A.     Yes.

21          Q.     And then you advance down the hall?

22          A.     Correct.

23          Q.     And at the end of the hall, what did you do?

24          A.     At the end of the hall where the tubs are, I  
25 looked to the right, saw a bedroom. I looked to the left,

1 and that is where I saw a woman laying on the ground.

2 Q. That is where the victim was located?

3 A. Correct.

4 Q. What was your responsibility once you had arrived  
5 at the end of the hall?

6 A. My responsibility at that point was to make entry  
7 into that room and clear that for anybody else and see if  
8 anybody else was inside that needed assistance.

9 Q. Would you describe for us how you made entry into  
10 that room.

11 A. As I went into the room, there was a ladder that  
12 was propped up against the wall across the doorway. So if  
13 the door were open, it was almost pinned against the wall,  
14 leaving the doorway open. The woman was laying on the ground  
15 on the other side of that. So I had to go under the ladder  
16 and step over her to be able to get into the room.

17 Q. Did you step on any blood when you went in there?

18 A. Not that I am aware of.

19 Q. Were you trying to avoid doing that?

20 A. Very much so.

21 Q. After going under this ladder, but over her body,  
22 what did you do then once you got inside the room?

23 A. Once I got inside, I looked and saw there was a  
24 set of closets to the right along the same wall as the door,  
25 and above that there was, I guess, an alcove, a raised area.

1 There was some shelves knocked over there. I looked around  
2 to see if anybody else was in that area.

3 Q. And so you cleared that area for officer safety at  
4 that time?

5 A. Yes, I did.

6 Q. This area that you called an alcove, is this the  
7 elevated area? Is that what you are talking about?

8 A. Yes, above the closets.

9 Q. A loft type area?

10 A. Yes.

11 Q. Did you see anybody up in the loft area?

12 A. I could not see up there. The only way I could be  
13 able, I looked up there as best I could, but without climbing  
14 on the furniture or up on the ladder, I could not get a full  
15 view of the area.

16 Q. To go further, we are going to have to use that.  
17 Sorry. Okay.

18 Were you assigned some responsibilities  
19 in terms of this scene, in addition to doing this point  
20 person on the protective sweep?

21 A. Yes, I was.

22 Q. What were you assigned to do?

23 A. Since I was already in the room, it was decided  
24 that I would photograph the area so nobody else would have to  
25 come in there and possibly, you know, mess anything else up,

1 I guess.

2 Q. Okay. Let me show you what is admitted into  
3 evidence as Exhibit No. 2277.

4 Is that what you observed when you  
5 went -- before you went into the room?

6 A. Yes, it is.

7 Q. Do you see these -- do you see these boots  
8 standing up here at the top of the picture?

9 A. Yes, I do.

10 Q. Do you know who is filling those boots?

11 A. That would be me.

12 Q. You are already inside the room taking pictures?

13 A. When this picture was taken, Deputy Taintor had a  
14 camera, and he handed the camera to me.

15 Q. He took the first picture while you had stepped  
16 inside?

17 A. Yes.

18 Q. And then he passed the camera to you?

19 A. Yes.

20 Q. And you began taking photos?

21 A. Correct.

22 Q. Let me show you what has been admitted into  
23 evidence as exhibit -- let me show you what has been admitted  
24 into evidence as Exhibit 2282.

25 Do you recognize that particular

1 photograph?

2 A. Yes, I do.

3 Q. Is that one of the ones that you took?

4 A. Yes, it is.

5 THE COURT: May I see counsel and the exhibit,  
6 please. Okay.

7 BY MR. BUTNER:

8 Q. Just clarifying its admission status. Exhibit  
9 2282.

10 You took this particular photo; is that  
11 correct?

12 A. Yes, it is.

13 Q. Is this one of the first ones that you  
14 photographed?

15 A. Yes.

16 Q. And let me show you what is admitted into evidence  
17 as Exhibit No. 2283.

18 Do you recognize that photo?

19 A. Yes, I do.

20 Q. Is that one you took also?

21 A. Yes, it is.

22 Q. Let me show you what is admitted into evidence as  
23 Exhibit No. 2327.

24 Do you recognize what is depicted in that  
25 photograph?

1           A.     That would be the ladder bracing against the door  
2 and the desk, as well as the body on the floor.

3           Q.     Okay. Is this the way the scene appeared when you  
4 were in there?

5           A.     Yes, it is.

6           Q.     Except for daylight; right?

7           A.     Except for it being daylight.

8           Q.     You didn't take this photo; did you?

9           A.     No, I did not.

10          Q.     Let me show you what is marked as 2328. Do you  
11 recognize what is depicted in that particular photograph?

12          A.     Yes. That would be another angle of the ladder  
13 across the door and the closet.

14          Q.     So the ladder was going over the door and holding  
15 the door open?

16          A.     Correct.

17          Q.     Could you see where the ladder had been propped  
18 prior to it being in that position?

19          A.     Prior to that, no, but it is the only way to  
20 access that loft area. So there was a cutout of the railing  
21 around there that would allow access from the ladder.

22          Q.     Let me show you what has been admitted as Exhibit  
23 2332.

24                         Is that the loft area you were talking  
25 about?

1           A.     Yes, it is.

2           Q.     And where is the area that you are talking about  
3 where you access the loft area with the ladder?

4           A.     All the way to the left.

5           Q.     In this particular area right here?

6           A.     Yes, sir. Where it is kind of framed in above  
7 there.

8           Q.     Were there actually some sorts of clips or notches  
9 or something for the ladder to attach to?

10          A.     I believe so, yes.

11          Q.     This was the area that you were concerned about  
12 clearing when you came in?

13          A.     Yes.

14          Q.     And are these the clips or notches that you were  
15 talking about that the ladder would attach to?

16          A.     Yes, sir.

17          Q.     Was there anything over on this side of the room  
18 for the ladder to be attached to or be used for?

19          A.     No, sir.

20          Q.     What is this down here that I am pointing to? Do  
21 you remember what that is?

22          A.     It looks as if you are pointing at the window.

23          Q.     Right. Was there a window on that wall in the  
24 room?

25          A.     Yes, sir.



1           Q.     Is that the window through which Deputy Taintor  
2 observed the body, to your knowledge?

3           A.     To my knowledge, yes.

4           Q.     Let me show you what has been admitted into  
5 evidence as Exhibit 2331.

6                     What is depicted in that particular --

7           A.     That would be one of the overturned bookshelves.

8           Q.     Is that the way it appeared when you entered that  
9 scene?

10          A.     Yes, it is.

11          Q.     And then let me show what you is admitted into  
12 evidence as Exhibit 2333.

13                     What is depicted in that exhibit?

14          A.     That would be another one of the bookshelves, and  
15 it is in the corner there along by the window that Deputy  
16 Taintor had looked through.

17          Q.     Is this the way that the scene appeared when you  
18 entered that room?

19          A.     Yes, it is.

20          Q.     Approximately what time did you enter the room  
21 that day in July 2nd of 2008?

22          A.     I believe it would have been between 9:30 and 9:40  
23 p.m.

24          Q.     After 9:30 in the evening; right?

25          A.     Yes, sir.

1 Q. Let me show you what has been admitted into  
2 evidence as Exhibit 2334.

3 Do you remember noticing this particular  
4 area of the crime scene?

5 A. Can I get up and take a look?

6 Q. Please do.

7 A. Yes, I do.

8 Q. What's depicted in this particular photograph?

9 A. In the upper right corner of the photograph is a  
10 handprint that I had seen on the floor.

11 Q. A bloody handprint?

12 A. Yes, sir.

13 Q. Is this the victim's body over to the left side of  
14 the photograph?

15 A. Yes, it is.

16 Q. Do you know what this white spot is on the  
17 victim's leg?

18 A. No, I do not.

19 Q. Were EMTs called to the scene?

20 A. They were.

21 Q. Were you there while they were there?

22 A. I was not in the room while they were there. I  
23 believe I had gone outside by that point.

24 Q. Did you notice blood spatter in the crime scene?

25 A. Yes, I did.

1           Q.     Where was blood spatter located when you noticed  
2 it?

3           A.     It was on the overturned shelves, on the wall  
4 adjacent to the door and the closets, on the plastic tubs  
5 just outside the door, across the top and the side of the  
6 desk, as well as some on the chair that was by the exterior  
7 door of the room.

8           Q.     Let me show you what is admitted into evidence as  
9 Exhibit 2329.

10                         Do you recognize what is depicted in that  
11 particular photograph?

12           A.     Yes. That would be the desk and office space.

13           Q.     Where was blood spatter located on the desk, to  
14 your recollection?

15           A.     Across the corner nearest the door. The calendar  
16 along the front, right around where the keyboard area would  
17 be.

18           Q.     There is a laser pointer up there someplace. You  
19 can move to a different area and point to the areas where you  
20 remember seeing blood spatter.

21           A.     It was around here off of this corner. Across the  
22 day planner here, and then I believe there may have been some  
23 on the desk in this area also.

24           Q.     And then you indicated that there was also blood  
25 spatter on the bookcases?

1           A.     Yes. I do not remember seeing it on that  
2 bookcase, but on the other one.

3           Q.     The one that was laying down?

4           A.     Yes, sir.

5           Q.     For the record this is Exhibit 2328.

6                     You see the bookcase in the lower portion  
7 of the photograph?

8           A.     Yes, I do.

9           Q.     Do you recall approximately where blood spatter  
10 was located on that particular bookcase?

11          A.     It was along the side here that was facing the  
12 desk.

13          Q.     After being in the office area and taking  
14 photographs of the victim and the scene in that area, what  
15 did you do?

16          A.     I exited out of the room and got with a couple  
17 other deputies to clear the rest of the property.

18          Q.     When you were exiting the room, did you notice any  
19 blood spatter in any locations in the hallway?

20          A.     There was blood spatter on the tile flooring, as  
21 well as the plastic tubs that were stacked on the side at the  
22 end of the hall.

23          Q.     The tile floor right outside the doorway?

24          A.     Yes, sir.

25          Q.     And how about in the wall area going down the

1 hallway, did you see any blood spatter in the wall area?

2 A. I don't remember seeing any blood spatter in the  
3 wall.

4 Q. Did you activate any light switches when you were  
5 in the crime scene?

6 A. No, I did not.

7 Q. So did you happen to notice a light switch in the  
8 hallway area across from the doorway entering into the office  
9 where the victim was located?

10 A. It would have been just to the right. Yes, it was  
11 just to the right of the bedroom, across the hall from the  
12 office.

13 Q. Did you ever touch that light switch?

14 A. No, I did not.

15 MR. BUTNER: We can go to a different  
16 situation now. Thank you.

17 Judge, I am going to change gears a  
18 little bit here. It might be a good time to take a break.

19 THE COURT: It is about the time for the lunch  
20 break. So remember the admonition, ladies and gentlemen. We  
21 will see you at 1:15. 1:15 is when we will try to resume.

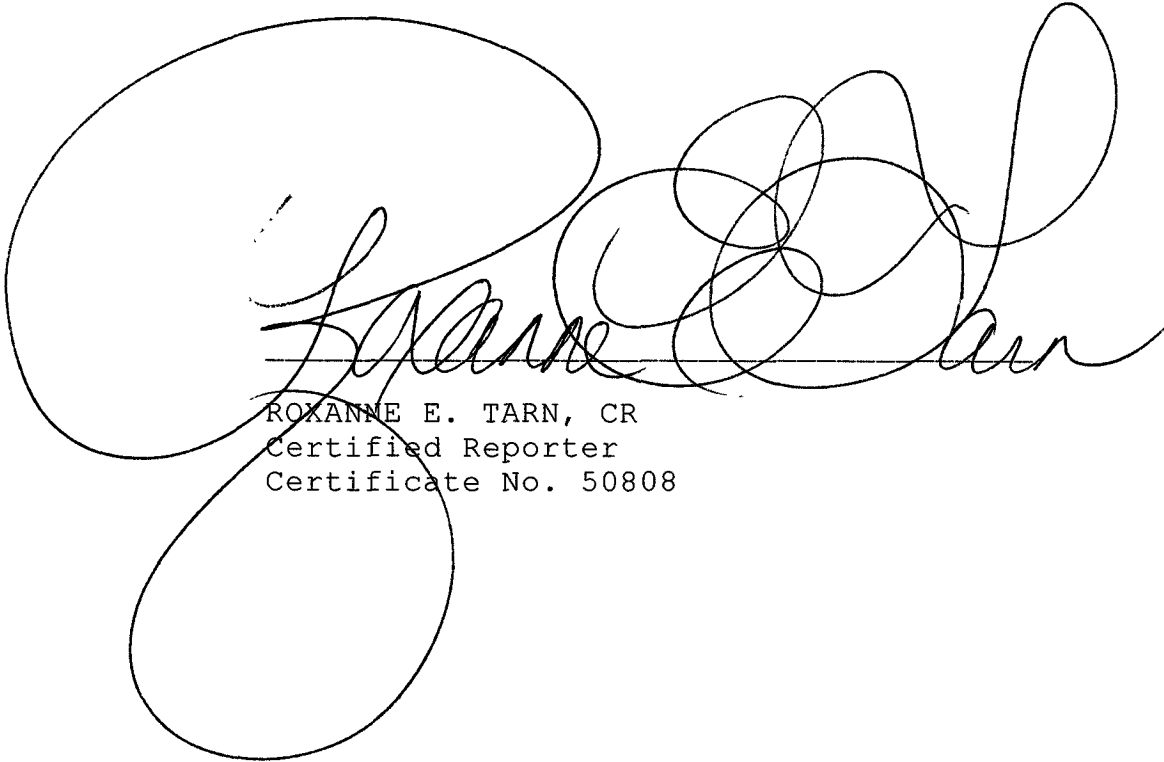
22 (Whereupon, the jury exits the courtroom.)

23 (Whereupon, a recess was taken at 11:56 a.m.  
24 to resume at 1:15 p.m. of the same day.)  
25

C E R T I F I C A T E

I, ROXANNE E. TARN, CR, a Certified Reporter  
in the State of Arizona, do hereby certify that the foregoing  
pages 1 - 102 constitute a full, true, and accurate  
transcript of the proceedings had in the foregoing matter,  
all done to the best of my skill and ability.

SIGNED and dated this 9th day of July, 2010.



ROXANNE E. TARN, CR  
Certified Reporter  
Certificate No. 50808